

the defendants at that time were introducing and delivering the said drug for introduction into interstate commerce and prayed that judgment and decree be entered permanently restraining and enjoining them and all acting upon their behalf from continuing to do so; and prayed that a preliminary injunction be granted restraining the defendants during the pendency of the action.

On November 10, 1941, the court granted a temporary restraining order in accordance with the prayer of the complaint. On June 9, 1942, the defendants then being in default, judgment was entered permanently and forever enjoining and restraining them from directly or indirectly introducing or delivering for introduction said drug into interstate commerce.

702. Misbranding of Lambert's Powders. U. S. v. Claude M. Stanley (Stanley Drug Co.). Plea of guilty. Fine, \$50. (F. D. C. No. 4161. Sample No. 38881-E.)

This product when used according to directions on the label, would be dangerous to health, the label failed to bear adequate warning statements, and it also contained false and misleading claims.

On November 10, 1941, the United States attorney for the District of Minnesota filed an information against Claude M. Stanley, trading as the Stanley Drug Co. at Minneapolis, Minn., alleging shipment on or about July 19, 1940, from the State of Minnesota into the State of Wisconsin of a quantity of Lambert's Powders that were misbranded.

Analysis of a sample of the article showed that each powder contained acetanilid ($2\frac{1}{2}$ grains), aspirin (5 grains), and salol ($2\frac{1}{2}$ grains).

The article was alleged to be misbranded: (1) In that it was dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in the labeling, i. e., "Directions * * * Adult Dose: One before each meal and one at bedtime." (2) In that its labeling failed to bear adequate warnings against use by children where its use might be dangerous to health, or against unsafe dosage or methods or duration of administration in such manner and form as are necessary for the protection of users since each powder contained approximately $2\frac{1}{2}$ grains of acetanilid, and the labeling did not bear a warning that frequent or continuous use might cause serious blood disturbances, anemia, collapse, or a dependence on the drug; and that it should not be given to children. (3) In that the statement (carton) "muscular aches and body pains, lumbago," was false and misleading since it represented that the drug was efficacious in the treatment of muscular aches, body pains, and lumbago; whereas it was not efficacious for such purposes.

On March 3, 1942, the defendant entered a plea of guilty and the court imposed a fine of \$50.

703. Misbranding of a.m. Solution. U. S. v. 7½ Dozen Packages of a.m. Solution. Default decree of condemnation and destruction. (F. D. C. No. 6839. Sample No. 79171-E.)

This product contained chrysarobin and would be dangerous to health when used according to directions. Its label also contained false and misleading therapeutic claims.

On February 13, 1942, the United States attorney for the Middle District of Tennessee filed a libel against the above-named product at Nashville, Tenn., alleging that it had been shipped on or about November 13, 1941, and January 14, 1942, by the Kenton Pharmacal Co., Inc., from Covington, Ky.; and charging that it was misbranded.

Analysis of a sample of the article showed that it consisted essentially of chrysarobin (approximately 0.66 grain per fluid ounce), salicylic acid, benzoic acid, alcohol, and a volatile oil.

The article was alleged to be misbranded: (1) In that it was dangerous to health when used in the dosage or with the frequency or duration prescribed or recommended in the labeling. (2) In that the following statements, "For the relief of itching and discomfort of Athlete's Foot (Dermatophytosis), Ringworm, Insect Bites, Impetigo, externally caused Eczema, Rashes and Pimples, and other forms of local skin irritations," were false and misleading since they represented and suggested that when used as directed it constituted a safe and efficacious treatment for the relief of the itching torment and discomfort of athlete's foot and other skin irritations named above; whereas it was not safe when used as directed and was not an efficacious treatment for such conditions.

On April 9, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.