and that the use of the tablets would result in greater vitality and a general feeling of well-being in the user. The article would not be a safe and appropriate remedy for obesity, but was a dangerous drug, and its use would not result in greater vitality and a general feeling of well-being in the user.

All tablets, misbranding, Section 502 (b) (1), the labels on the envelopes containing the tablets bore no statement containing the name and place of business of the manufacturer, packer, or distributor; Section 502 (b) (2), the labels bore no statement of the quantity of the contents of the envelopes; and, Section 502 (e) (2), the labels of the tablets failed to bear the common or usual name of each active ingredient, and, in the case of the light-colored tablets, the label failed to bear the name of one of the ingredients, thyroid, and the quantity or proportion of thyroid contained in the tablets.

The information also alleged that an article known as *Vitalex Tablets* was misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: May 18, 1945. A plea of guilty having been entered, the court imposed a fine of $500 covering both violations, and sentenced the defendant to imprisonment for 1 year. The jail sentence was suspended and the defendant was placed on probation for 5 years, conditioned upon the payment of the fine.

1556. Misbranding of N. M. Tablets, C. C. Pills, and N. K. Tablets. U. S. v. Maxwell Zedd (Zedd's Cut Rate Drug Stores). Plea of nolo contedere. Fine, $150. (F. D. C. No. 14236. Sample Nos. 53242–F, 53277–F, 53278–F.)

INFORMATION FILED: May 8, 1945, Eastern District of Virginia, against Maxwell Zedd, trading as Zedd's Cut Rate Drug Stores, at Norfolk, Va.; charging that the defendant, while holding the tablets and pills for sale after shipment in interstate commerce, had removed, on or about November 23, 1943, and February 10, 1944, a number of the tablets and pills from the containers in which they had been shipped and had repacked them into boxes and envelopes labeled as hereinafter described, which acts of removal and repacking resulted in the misbranding of the articles.

PRODUCT: Analyses disclosed that the *N. M. Tablets* consisted essentially of extracts of damiana and nux vomica, zinc phosphide, and starch, coated with calcium carbonate and sugar, and colored red; that the *C. C. Pills* contained calomel, compound extract of colocynth, resin of jalap, and gamboge; and that the *N. K. Tablets* consisted of approximately 1 grain of methylene blue, cubeb, santal oil, and possibly other extractives.

LABEL IN PART: (Envelopes) "C. C. Pills 10¢"; (boxes) "N. M. [or "N. K."] Tablets One three times a day Zedd's Cut Rate Drug Stores * * * Norfolk, Va."

NATURE OF CHARGE: *N. M. Tablets*, misbranding, Section 502 (j), the article was dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in its labeling, by reason of the presence of zinc phosphide, nux vomica, and cantharides; Section 502 (b) (2), its label bore no statement of the quantity of the contents; and, Section 502 (e), its label failed to bear the common or usual name of each active ingredient, including the name and quantity or proportion of any strychnine.

C. C. Pills, misbranding, Section 502 (b) (1) (2), the envelopes containing the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 502 (e), the label failed to bear the common or usual name of each active ingredient, including the name and proportion of calomel, a derivative of mercury; Section 502 (f) (1), the envelopes bore no labeling containing directions for use; and, Section 502 (f) (2), the labeling of the article (a laxative) bore no warnings against use in those pathological conditions, or by children, where its use might be dangerous to health, or against unsafe dosage or duration of administration, in such manner and form as are necessary for the protection of users.

N. K. Tablets, misbranding, Section 502 (b) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents; Section 502 (e), the label did not bear the common or usual name of each active ingredient; Section 502 (f) (2), the article, by reason of the presence of methylene blue, santal oil, and cubeb, should have borne, but failed to bear, a label warning that its use should be discontinued if disturbance of the stomach or bowels, or skin rashes, were noticed, which warning was necessary for the protection of users.

DISPOSITION: May 17, 1945. A plea of nolo contendere having been entered, the court imposed a fine of $50 on each of 3 counts, a total fine of $150.

1557. Misbranding of Yuk-Air Compound. U. S. v. 239 Bottles and 198 Bottles of Yuk-Air Compound, and a quantity of printed matter. Default decrees of condemnation and destruction. (F. D. C. Nos. 11939, 12025. Sample Nos. 49064–F, 59721–F.)

LIBELS FILED: March 10 and 23, 1944, Southern District of Indiana and Western District of Michigan.

ALLEGED SHIPMENT: By the Universal Drug Products, Inc., from Cleveland, Ohio. A portion of the product and printed matter was shipped on or about February 8, 1944, and the remainder of the product and part of the printed matter were shipped on or about February 18, 1944, with the remainder of the printed matter being shipped on or about February 21, 1944.

PRODUCT: 239 various-sized bottles of *Yuk-Air Compound* and 2,000 circulars entitled "Yuk-Air Daily," at Indianapolis, Ind.; and 198 various-sized bottles of the same product and 150 circulars of the same title, together with one placard imprinted "Laboratory Lecture Genuine Australian Eucalyptus Oil Yuk-Air No Colds All Winter" and 3 placards entitled "Genuine Australian Eucalyptus Oil," at Muskegon, Mich. Analysis showed that a portion of the product was a yellow liquid containing Eucalyptus and turpentine oils, while the remainder of the product consisted of a clear, colorless liquid containing, essentially, turpentine oil.

NATURE OF CHARGE: Section 505, the article was a new drug which should not have been introduced into interstate commerce since no application filed pursuant to Section 505 of the law was effective with respect to the article.

Misbranding, Section 502 (j), the article would be dangerous to health when used in the dosage suggested in the statements in the labeling, "Eucalyptus Oil * * * used in * * * ear oils," and "It may be used safely on any part of the body," since, when used in the ears, the article would cause injury; Section 502 (f) (1), the labeling of a portion of the article did not bear adequate directions for use in all conditions for which use of the article was suggested in its labeling and as interpreted by representations orally made on behalf of the manufacturer, namely, for application into the ears; Section 502 (f) (2), the labeling bore no warnings against allowing the article to get into the eyes, ears, or onto the mucous membrane, nor against continued use of the article if excessive irritation developed, which warnings are necessary for the protection of users of products containing turpentine; and, Section 502 (e) (2), the label of the article failed to bear the common or usual name of each ingredient since the designation "Oil of Pinene," borne on the label, is not the common or usual name of spirits of turpentine.

Further misbranding, Section 502 (a), certain statements in the labeling were false and misleading since the article would not be safe for use on every part of the body; it could not be used and rubbed on freely without fear of irritation of any kind; it was not an efficacious treatment for stiff joints and sore muscles due to exposure; it was not appropriate for use generally as a massaging or rubbing oil, as represented and suggested by the labeling; and the article was not Australian oil or Eucalyptus oil, as was implied, but was composed largely of turpentine oil produced domestically.

DISPOSITION: May 1 and 5, 1944. No claimant having appeared, judgments of condemnation were entered and the product and printed matter were ordered destroyed.

DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS*

1558. Misbranding of Interferin. Two indictments: U. S. v. Don Keefer. Pleas of not guilty. Tried to the court; verdict of guilty. Sentences of 1 year in jail on each indictment. (F. D. C. Nos. 17800, 17801. Sample Nos. 17228–H, 20045–H.)

INDICTMENTS RETURNED: May 11, 1945, Northern District of Illinois, against Don Keefer, Chicago, Ill.

ALLEGED SHIPMENT: On or about November 27, 1944, and April 6, 1945, from the State of Illinois into the States of Indiana and Nebraska.

*See also Nos. 1553, 1556, 1557.