

oxide, and bacteriological examination showed that the article was not a germicide.

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it purported and was represented to possess, i. e., by the designation "Germicidal Preparation."

Misbranding, Section 502 (a), the label statement "Scalp Conditioner A Germicidal Preparation for the Treatment of Scalp Disorders" was false and misleading since the article was not a germicide, was not effective for conditioning the scalp, and would not be effective in the treatment of scalp disorders; and, Section 502 (e) (2), the 2-ounce size jar failed to bear a statement of the quantity or proportion of the derivative of mercury contained in the article since the label statement "Mercuric Oxide Yellow U. S. P. 5%" was incorrect.

DISPOSITION: May 5, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2168. Adulteration and misbranding of prophylactics. U. S. v. 23½ Gross * * *.
(F. D. C. No. 22632. Sample No. 61322-H.)

LABEL FILED: March 13, 1947, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 14, 1947, by the World Merchandise Exchange and Trading Co., from New York, N. Y.

PRODUCT: 23½ gross of rubber *prophylactics* at Pittsburgh, Pa. Examination of 200 samples showed that 4.5 percent were defective in that they contained holes.

LABEL, IN PART: "Lloyd's Prophylactics."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the statement "Prophylactics" was false and misleading as applied to an article which contained holes.

DISPOSITION: April 23, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS*

DRUGS FOR HUMAN USE

2169. Misbranding of estrogenic substances. U. S. v. Harvey Laboratories, Inc., and Aaron Lichten. Pleas of nolo contendere. Fines of \$150 against the corporation and \$1 against the individual. (F. D. C. No. 21424. Sample Nos. 5150-H, 7816-H, 8301-H.)

INFORMATION FILED: January 16, 1947, Eastern District of Pennsylvania, against Harvey Laboratories, Inc., Philadelphia, Pa., and Aaron Lichten, treasurer of the corporation.

ALLEGED SHIPMENT: On or about October 19 and 30 and November 1, 1945, from the State of Pennsylvania into the States of New Jersey and New York.

LABEL, IN PART: (Cartons—all shipments, and vials—1 shipment) "Estrogenic Substances [or "Substance"] * * * estrogenic hormones from natural sources, consisting chiefly of estrone with traces of estradiol and auxiliary follicular hormones"; (ampules—2 shipments) "Estrogenic Substance 10,000 [or "50,000"] International Units Per cc."

NATURE OF CHARGE: Misbranding, Section 502 (a), the above-quoted statements on the cartons and vial labels were false and misleading since they represented and suggested that the article consisted chiefly of estrone, whereas it did not consist chiefly of estrone.

Further misbranding, Section 502 (e), the article was not designated solely by a name recognized in an official compendium; it was fabricated from 2 or more ingredients; and the ampule labels failed to bear the common or usual name of each active ingredient, since the designation "Estrogenic Substance" is not the common or usual name of any particular active ingredient but is a generic name for a class of substances.

* See also Nos. 2151, 2153-2155, 2158, 2159, 2163, 2167, 2168.

DISPOSITION: March 14, 1947. Pleas of nolo contendere having been entered, the court imposed fines of \$150 against the corporation and \$1 against the individual.

2170. Misbranding of Devonshire's Earth Salts. U. S. v. Harry C. Johnson (F. S. Powers & Company). Plea of guilty. Fine, \$20. (F. D. C. No. 14238. Sample Nos. 8429-F, 8430-F.)

INFORMATION FILED: June 13, 1945, Northern District of Illinois, against Harry C. Johnson, trading as F. S. Powers & Company, Crystal Lake, Ill.

ALLEGED SHIPMENT: On or about February 17 and March 18, 1944, from the State of Illinois into the State of Wisconsin.

PRODUCT: Analyses disclosed that the product was a fine white powder consisting essentially of carbonates, phosphates, chlorides, sulfates of calcium, sodium, magnesium, and iron, and small amounts of free sulfur, silica, and fluorine compounds.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in accompanying circulars entitled "Devonshire's Earth Salts Mineral Elements" and "Devonshire's Earth Salts Mineral Elements a Compound of the Life Giving Mineral Elements of Mother Nature" were false and misleading in that they represented and suggested that the article would be efficacious in the cure, mitigation, treatment, and prevention of appendicitis, trench mouth, skin disorders, sinus disorders, stomach troubles, a run-down condition, Bright's disease, diabetes, high blood pressure, poor eyesight, kidney trouble, backache, dizzy spells, swelling in legs, brown spots on the face, colitis, sinus headache, neuritis, rheumatism, an anemic condition, gall-bladder trouble, palpitation of the heart, leakage of the heart, breaking out of the face, bad condition of stomach and bowels, eczema, boils, and periodic pains; that it would be effective as a body builder; that it would supply pep, increase weight, strengthen the body, increase vitality and energy, cure anyone who was ill, clean and strengthen the system, prevent colds, renew health, give life, prevent and remedy abnormal disease conditions which cause untold suffering and misery to the human race, help the body wage its war against disease, and cure the sick; and that it would be beneficial for relief in treating rheumatism, lumbago, sciatica, neuritis, intestinal disorders, kidneys, spleen, liver, bladder, diabetes, goiter, gall trouble, skin disorders, eczema, stomach ulcers, nervous disease, and bronchitis. The article would not be efficacious for the purposes represented.

DISPOSITION: January 27, 1947. At the request of the defendant, the case was transferred for plea to the Southern District of California. Thereafter, a plea of guilty was entered and the court imposed a fine of \$10 on each of the 2 counts of the information.

2171. Misbranding of Devonshire's Earth Salts. U. S. v. Harry C. Johnson (F. S. Powers & Company.) Plea of not guilty. Tried to the jury. Verdict of guilty. Fine, \$10. (F. D. C. No. 17861. Sample No. 17400-H.)

INFORMATION FILED: May 10, 1946, Southern District of California, against Harry C. Johnson, trading as F. S. Powers & Company, Los Angeles, Calif.

ALLEGED SHIPMENT: On or about May 25, 1945, from the State of California into the State of Wisconsin.

PRODUCT: Examination disclosed that the product consisted essentially of carbonates, sulfates, chlorides, and phosphates of calcium, sodium, iron, and magnesium, and a small proportion of sulfur.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in circulars entitled "Devonshire's Earth Salts Mineral Elements" and in a manual bearing on its cover the words "Devonshire's Earth Salts," which accompanied the article, were false and misleading since the statements represented and suggested that the article would be efficacious in the cure, mitigation, treatment, and prevention of rheumatism, anemia, cold, sinus disorders, appendicitis, diabetes, skin diseases, underweight, constipation, a general run-down condition, eczema, mineral deficiency diseases, colitis, stomach trouble, sinus headache, gall-bladder trouble, palpitation of the heart, leakage of the heart, Bright's disease, high blood pressure, poor eyesight, backache, dizzy spells, swelling of legs, painful boils, periodic pains, kidney and bladder trouble, ulcers of the stomach, piles, boils, ulcer of the intestines, pyorrhea, nervous break-down, menstrual cramps,