

- 2216. Adulteration and misbranding of prophylactics. U. S. v. 64 Gross \* \* \***  
(F. D. C. No. 23012. Sample No. 91426-H.)  
**LABEL FILED:** May 19, 1947, District of Colorado.  
**ALLEGED SHIPMENT:** On or about September 10, 1946, by International Distributors, from Memphis, Tenn.  
**PRODUCT:** 64 gross of *prophylactics* at Denver, Colo. Examination of samples showed that the article was defective in that it contained holes.  
**LABEL, IN PART:** "Xcello's Prophylactics Mfd. by the Killian Mfg. Co., Akron, Ohio."  
**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 label statement "Prophylactics" was false and misleading as applied to an article containing holes.  
**DISPOSITION:** July 15, 1947. Default decree of condemnation and destruction.
- 2217. Adulteration and misbranding of prophylactics. U. S. v. 32 Gross, etc**  
(F. D. C. Nos. 22740, 23455. Sample Nos. 66607-H, 90769-H.)  
**LABELS FILED:** March 28 and June 23, 1947, District of Columbia and Eastern District of Pennsylvania.  
**ALLEGED SHIPMENT:** On or about March 13 and April 14, 1947, by World Merchandise Exchange, Inc., from New York, N. Y.  
**PRODUCT:** *Prophylactics*. 23½ gross at Washington, D. C., and 32 gross at Philadelphia, Pa. Examination of samples from each lot showed that 4 percent from the Philadelphia lot and 6 percent from the Washington lot were defective in that they contained holes.  
**LABEL, IN PART:** "Tetratex Prophylactics [or "Texide Rubber Sheaths"] Manufactured by L. E. Shunk Latex Products, Inc. Akron, Ohio."  
**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 statements "Prophylactics" and "Prophylactics Tested" borne on the label of the article in the Philadelphia lot were false and misleading as applied to an article containing holes.  
**DISPOSITION:** July 8 and August 6, 1947. Default decrees of condemnation and destruction.
- 2218. Adulteration and misbranding of prophylactics. U. S. v. 50 Gross \* \* \***  
(F. D. C. No. 22861. Sample No. 61043-H.)  
**LABEL FILED:** April 22, 1947, Western District of New York.  
**ALLEGED SHIPMENT:** On or about March 28, 1947, by the Schaeffer Products Co., from Cleveland, Ohio.  
**PRODUCT:** 50 gross of *prophylactics* at Rochester, N. Y. Examination of 288 samples showed that 2.4 percent were defective in that they contained holes.  
**LABEL, IN PART:** "La Vita 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 label statements "Prophylactics \* \* \* aid in the prevention of disease" were false and misleading as applied to an article containing holes.  
**DISPOSITION:** May 26, 1947. Default decree of condemnation and destruction.
- 2219. Adulteration and misbranding of prophylactics. U. S. v. 37 Gross \* \* \***  
(F. D. C. No. 23006. Sample No. 76229-H.)  
**LABEL FILED:** May 6, 1947, Northern District of Texas.  
**ALLEGED SHIPMENT:** Between the approximate dates of January 15 and March 13, 1947, by Frank G. Karg, Chicago, Ill.  
**PRODUCT:** 37 gross of *prophylactics* at Dallas, Tex.  
**LABEL, IN PART:** "Pall Mall Aquapac."  
**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 label statement "For the protection against the communication of disease" was false and misleading as applied to an article containing holes.  
**DISPOSITION:** June 16, 1947. Default decree of condemnation and destruction.

**DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS\***

**DRUGS FOR HUMAN USE**

**2220. Adulteration and misbranding of *Lactobacillus acidophilus* culture. U. S. v. Kovac Laboratories, Inc., and Hugh H. von Kleist. Pleas of nolo contendere. Fines of \$150 against the corporation and \$300 against the individual. (F. D. C. No. 23275. Sample Nos. 59460-H, 59462-H, 59463-H.)**

**INFORMATION FILED:** July 21, 1947, Southern District of California, against Kovac Laboratories, Inc., Los Angeles, Calif., and Hugh H. von Kleist, president of the corporation.

**ALLEGED SHIPMENT:** On or about July 20 and 29 and August 16, 1946, from the State of California into the State of Washington.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the label statement "Culture *Lactobacillus Acidophilus* A condensed culture" was false and misleading since it represented and suggested that the article contained significant numbers of *Bacillus acidophilus* organisms, whereas it did not contain significant numbers of *Bacillus acidophilus* organisms, but did contain large numbers of streptococci.

**DISPOSITION:** August 11, 1947. Pleas of nolo contendere having been entered, the court imposed fines of \$150 against the corporation and \$300 against the individual.

**2221. Misbranding of Laken's 9 Drops Capsules and Liquid. U. S. v. Harry Laken (Marshall Drug Co.). Plea of nolo contendere. Fine, \$400. (F. D. C. No. 20202. Sample Nos. 4771-H, 4888-H.)**

**INFORMATION FILED:** December 10, 1946, Eastern District of Pennsylvania, against Harry Laken, trading as the Marshall Drug Co., Philadelphia, Pa.

**ALLEGED SHIPMENT:** On or about September 5 and October 26, 1945, from the State of Pennsylvania into the State of New Jersey.

**PRODUCT:** Analysis disclosed that the capsules contained a mixture consisting essentially of aspirin, acetophenetidin, and caffeine, and that the liquid consisted essentially of a water solution of sodium, salicylate, potassium, iodide, and traces of alkaloids.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements and the design of a man in pain appearing in circulars entitled "Facts Everyone Should Know About," enclosed with the articles, were false and misleading since they represented and suggested that the articles when used alone or in conjunction with each other would be effective in the treatment of rheumatism, arthritis, backache, swollen joints, lumbago, neuritis, rheumatic pains, and stiff joints; that the liquid would be effective as an analgesic to get at the main cause of so-called rheumatism; and that the capsules would be effective in the treatment of suffering and discomfort associated with common colds. The articles would not be effective for such purposes.

Further misbranding, Section 502 (b) (2), the bottles containing the liquid bore no label containing a statement of the quantity of the contents.

**DISPOSITION:** June 17, 1947. A plea of nolo contendere having been entered, the court imposed a fine of \$400.

**2222. Misbranding of Luebert's Iron Tonic Tablets. U. S. v. A. Gustave Luebert. Plea of nolo contendere. Fine, \$50. (F. D. C. No. 23215. Sample No. 4640-H.)**

**INFORMATION FILED:** August 12, 1947, Eastern District of Pennsylvania, against A. Gustave Luebert, Coatesville, Pa.

**ALLEGED SHIPMENT:** On or about February 23, 1946, from the State of Pennsylvania into the State of Delaware.

**PRODUCT:** Analysis disclosed that each tablet of the product contained approximately 1 grain of ferrous carbonate with manganese, a phosphide, and a laxative plant drug.

**LABEL, IN PART:** "Luebert's (Nox 'em Brand) Iron Tonic Compound Tablets."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements on the label of the article and in a circular entitled "Luebert's Remedies," shipped

\*See also Nos. 2202, 2205, 2206, 2211, 2213-2219.