

to indicate that the defendant was failing to comply with the decision of October 11, 1944, and the case was thereupon dismissed without imposition of sentence.

**2378. Misbranding of Estromone. U. S. v. Endo Products, Inc. Plea of guilty. Fine, \$900.** (F. D. C. No. 17848. Sample Nos. 31429-H, 31442-H, 31443-H.)

**INFORMATION FILED:** March 17, 1947, Eastern District of New York, against Endo Products, Inc., Richmond Hill, N. Y.

**ALLEGED SHIPMENT:** On or about March 31 and May 10, 1945, from the State of New York into the State of California.

**LABEL, IN PART:** "Endo Estromone."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the label statements "Estrogenic Substance Derived from Equine Urine" and "Estrogenic Substance derived from pregnant mares' and stallions' urine" were false and misleading. The statements represented and suggested that the estrogenic material present in the article was estrogenic substance as it occurs in and is extracted from natural sources, i. e., pregnant mares' and stallions' urine and equine urine. The estrogenic material present in the article was not estrogenic substance as it occurs in and is extracted from natural sources.

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

**DISPOSITION:** May 20, 1948. A plea of guilty having been entered, the court imposed a fine of \$300 on each of the three counts of the information.

**2379. Misbranding of mixed estrogenic substance in oil. U. S. v. 38 Cartons \* \* \*.** (F. D. C. No. 23975. Sample No. 22487-K.)

**LIBEL FILED:** November 17, 1947, Western District of Texas.

**ALLEGED SHIPMENT:** On or about October 15, 1947, by Henry C. Haist & Co., from Kansas City, Mo.

**PRODUCT:** 38 cartons, each containing 1 30-cc. vial, of *mixed estrogenic substance in oil* at San Antonio, Tex.

**LABEL, IN PART:** (Vial) "30 CC. Multiple Dose Vial Mixed Natural Estrogenic Substance in Oil 10,000 International Units Per CC."; (carton) "10,000 I. U. Per CC. \* \* \* Manufactured for M. L. Claytor & Company San Antonio, Texas."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the label statements "Mixed Natural Estrogenic Substance in Oil 10,000 International Units [or "10,000 I. U."] Per CC. \* \* \* A solution of mixed natural occurring estrogens, derived from pregnant mare's urine, consisting principally of estradiol and estrone, in sesame oil. Rated as estrone." were false and misleading, since the statements represented and suggested that the article consisted of a solution in oil of estrogens obtained from pregnant mares' urine equivalent in potency to 10,000 International Units of estrone per cubic centimeter, whereas the article did not possess such composition.

**DISPOSITION:** January 23, 1948. Default decree of forfeiture and destruction.

**2380. Misbranding of Marcillin. U. S. v. 7 Jugs \* \* \*.** (F. D. C. No. 23089. Sample No. 91872-H.)

**LIBEL FILED:** June 25, 1947, District of New Mexico.

**ALLEGED SHIPMENT:** On or about April 15, 1947, by Metabolic Research Laboratories, from Detroit, Mich.

**PRODUCT:** 7 1-gallon jugs of *Marcillin* at Central, N. Mex. Examination showed that the product consisted essentially of material extracted from bile dissolved in water.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the label statements "Physiologically active by skin absorption \* \* \* A skin inunction treatment, useful in protein deficiency and biliary deficiency states; also in specific, virogenic, metabolic and allergic infections or syndromes" were false and misleading, since bile is not physiologically active by skin absorption and is not