who publish or might publish the United States Pharmacopoeia or the National Formulary, (2) such sections set forth no standard for the guidance of the person to whom the legislative power was delegated, (3) such sections purported to require compliance with standards adopted after the effective date of such sections and failed to set forth any requirements for notice or hearing prior to adoption of the standards or for judicial review thereof, and (4) the drug standards involved in the case were vague, uncertain, arbitrary, and capricious. In addition the defendant's answer alleged that the drug standards were illegal and void, in that enforcement of the standards would be in violation of the Administrative Procedure Act because the defendant had neither notice nor opportunity for hearing prior to adoption of the standard and no opportunity for judicial review thereafter.

The case came on for trial on January 17, 1949, and at the conclusion of the testimony for the Government on January 25, 1949, the court granted the defendant's motion for dismissal of the case on the ground (1) that the standards involved were indefinite and (2) that the evidence was insufficient to show such violation of the Act as would warrant the granting of the relief prayed for.

2657. Action to enjoin and restrain the interstate shipment of Kamba or Kamba Tonic. U. S. v. John L. Denney. Tried to the court. Injunction granted. Action for violation of injunction tried to the court. Defendant placed on 6 months' probation. (Inj. No. 98.)

COMPLAINT FILED: May 25, 1944, Southern District of California, against John L. Denney, Fresno, Calif., alleging that the defendant was engaged in the manufacture, production, and sale of a product known as *Kamba* and *Kamba Tonic;* that the product was manufactured from a herb of the rose family, probably of *Chamaebatia foliolosa*, commonly known as bear grass or mountain misery; that it was prepared in three forms, a ground dried herb, the water extract of the herb preserved with sodium benzoate, and the distilled form which is the condensate obtained when boiling the herb with water in the preparation of the water extract of the herb.

The complaint alleged further that the defendant had been and was still shipping the products in interstate commerce under labeling which represented that the herb form was an antitoxin and antiseptic for internal and external use; that it was a tonic and would cure many conditions and diseases, especially arthritis; that the liquid preparation was an antiseptic for internal and external use and was effective as a treatment for disorders of the stomach and bowels, for constipation, hemorrhoids, and arthritis; that the herb and liquid products were capable of destroying poison and bacteria and were beneficial for internal and external troubles, carbuncles, skin diseases, arthritis, bronchial, lung, ear, and eye troubles, sinus and hay fever, scalds, burns, cuts, bruises, boils, athlete's foot, dandruff, constipation, female trouble, gall bladder, stomach ulcers, sleeping sickness, mastitis in cows, dysentery and pneumonia in calves and poultry, streptococcus in chickens and turkeys, and pneumonia and paralysis in chickens; that the products contained 24,000 International Units of vitamin A and "a lot of vitamin B_1"; that they were "preventive medicine accepted by the United States through the mails as being OK"; that they were recommended for eczema, poison oak and ivy, neuralgia, arthritis, and other rheumatisms, open sores, and all forms of skin diseases; that they would clear up the average case of arthritis in about 3 months; that they would kill poisons and cleanse the system; and that "most of the demand for the herb is for arthritis though it is wonderful for stomach ailments and in fact any ailment."