

3296. Adulteration and misbranding of clinical thermometers. U. S. v. 22 Boxes * * *. (F. D. C. No. 29834. Sample No. 80143-K.)

LABEL FILED: October 18, 1950, District of New Hampshire.

ALLEGED SHIPMENT: On or about August 18 and September 8, 1950, by the Consolidated Thermometer Co., from Brooklyn, N. Y.

PRODUCT: 22 boxes each containing 1 dozen *clinical thermometers* at Manchester, N. H. Examination of 24 thermometers showed that 2 did not meet the standard of accuracy declared in the labeling; that 1 failed to meet the test for retreating index; and that 5 showed loss of pigment.

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess, namely, "Clinical Fever Thermometers" and "correct within plus or minus 2/10° F. at 98° and 102° F. and 3/10° F. at 106° F."

Misbranding, Section 502 (a), the following statement in the labeling of the article was false and misleading as applied to an article which would not give accurate readings: "This certifies that the thermometer bearing the above identification number has been examined and tested and is correct within plus or minus 2/10° F. at 98° and 102° F. and 3/10° F. at 106° F. or its equivalent in Centigrade scale."

DISPOSITION: November 27, 1950. Default decree of condemnation and destruction.

DRUGS ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

DRUGS FOR HUMAN USE*

3297. Misbranding of Dr. Shokunbi's F-219 Asthma Aid, Dr. Shokunbi's Tree of Life F-218, Dr. Shokunbi's F-62 Herbal Hair Growing Aid, and Dr. Shokunbi's F-214 Nervine. U. S. v. Samuel P. Shokunbi (African Herb & Chemical Co.). Plea of not guilty. Tried to the court and jury; verdict of guilty. Defendant fined \$9,000, plus costs, and sentenced to 9 years in prison. (F. D. C. No. 28158. Sample Nos. 19324-K to 19327-K, incl., 27993-K, 52066-K, 53434-K, 61822-K, 62025-K.)

INFORMATION FILED: August 8, 1950, Western District of Tennessee, against Samuel P. Shokunbi, trading as the African Herb & Chemical Co., Memphis, Tenn.

ALLEGED SHIPMENT: On or about February 23, March 3, 7, and 15, and October 18, 1949, from the State of Tennessee into the States of Ohio, Mississippi, Alabama, and Missouri.

LABEL, IN PART: "Dr. Shokunbi's F-219 Asthma Aid * * * This tonic contains the following herbs: Hore Hound, Mullen Leaves, Peppermint Leaves, Wild Plum Bark, Wild Cherry Bark, Lemon, Peach Leaves, Colts Foot, Boneset, Pure Honey, Catnip, Skull Cap, Vavain, Corriander Seed."

"Dr. Shokunbi's Tree of Life F-218 General Tonic for Men and Women * * * Yellow Dock, Burdock Root, Poke Root, Buchu Leaves, Peppermint Leaves, May Apple, Juniper Berries, Black Snake Root, Samson Root, Wild Plum Bark, Wild Cherry Bark, Skull Cap, Fever Few, Lady Slipper, Senna, Figs."

"Dr. Shokunbi's F-62 Herbal Hair Growing Aid * * * Ingredients: Sage Leaves Extract, Jaborandie Extract, Yellow Dock Root Oil, Hair Cap Moss, Olive Oil, Fresh Eggs, Salicylic Acid-Preservative."

*See also Nos. 3288-3291, 3295, 3296.

"Dr. Shokunbi's F-214 Nervine * * * Ingredients: Blue Skull Cap, Valarin, Catnip, Lady Slipper, Corriander Seed, Capsicum."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the bottle labels, in a pamphlet entitled "Universal Tabloid," and on a circular entitled "Why Use Chemical Drugs," accompanying certain shipments of *Dr. Shokunbi's Tree of Life F-218*, were false and misleading. These statements represented and suggested:

That the *Dr. Shokunbi's F-219 Asthma Aid* when used as directed would be efficacious for the treatment of asthma, chronic bronchitis, hay fever, and persistent coughs with congestion and irritation of the throat, and that the product was a tonic;

That the *Dr. Shokunbi's Tree of Life F-218* when used as directed would be efficacious in the treatment of high blood pressure, low blood pressure, kidney disease, bladder disease, rheumatic pain, gas on stomach, run-down condition, nervousness, cough due to cold, chronic bronchitis, asthma, arthritis, backache, change of life, lumbago, and conditions implied by the abbreviation, etc., and that it was a general tonic for men and women;

That the *Dr. Shokunbi's F-62 Herbal Hair Growing Aid* when used as directed would be efficacious to aid the growth of hair; and

That the *Dr. Shokunbi's F-214 Nervine* when used as directed would be efficacious in the treatment of nervous debility, hysteria, melancholia, neurasthenia, overwork, brain fatigue, and conditions implied by the abbreviation, etc., and that it was a general tonic.

The products when used as directed would not be effective for the purposes claimed.

DISPOSITION: A plea of not guilty having been entered on behalf of the defendant, the case came on for trial before the court and jury on October 30, 1950. The trial was concluded on November 1, 1950, at which time the jury returned a verdict of guilty against the defendant. On the latter date, the court imposed a fine of \$9,000, plus costs, and a sentence of 9 years in prison against the defendant.

3298. Misbranding of mineral water. U. S. v. 15 Cases, etc. (F. D. C. No. 29714. Sample No. 3051-K.)

LABEL FILED: August 28, 1950, District of Columbia.

PRODUCT: 15 cases, each containing 1 dozen 1-pint bottles, of *mineral water* in interstate commerce in the District of Columbia in the possession of R. & S. Nutrients, Inc., together with 38 packages, each containing 240 booklets entitled "Mineral Water from the Mile Deep Maple Well J. L. Rogers, D. C., N. D. Price 25¢."

Examination indicated that the product consisted of a solution of calcium chloride, magnesium chloride, sodium chloride and small proportions of other mineral salts, including potassium, iron, and iodine compounds that possess a negligible radio-activity.

LABEL, IN PART: "Mile Deep Natural Mineral Water from Maple, Ontario."

NATURE OF CHARGE: Misbranding, Section 502 (a) certain statements in the booklet were false and misleading since the article would not accomplish the results stated and implied. The statements represented and suggested that a spoonful daily of the article would provide the user with good health; that the article was effective for sores on the face and body; that its calcium chloride content would enable it to produce red blood, and that its magnesium