

3389. Misbranding of X-ray device. U. S. v. 1 Device * * *. (F. D. C. No. 30332. Sample No. 70276-K.)

LIBEL FILED: On or about December 28, 1950, Western District of Missouri.

ALLEGED SHIPMENT: Between April 10, 1942, and near the end of February 1947, from Toledo, Ohio.

PRODUCT: 1 *X-ray* device at Kansas City, Mo.

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling failed to bear adequate directions for the use of the device.

The libel alleged also that the device was being used solely for the removal of superfluous hair; that it was never intended to be used in the removal of superfluous hair; that such use is capable of causing cancer; and that the use of the device was dangerous to the operator and other occupants of the room in which the device was used.

DISPOSITION: March 23, 1951. Default decree of condemnation. The court ordered that the device be delivered to the Food and Drug Administration.

DRUGS FOR VETERINARY USE

3390. Misbranding of Foxsep. U. S. v. 10 Cases * * *. (F. D. C. No. 30862. Sample No. 25265-L.)

LIBEL FILED: On or about March 22, 1951, District of Maryland.

ALLEGED SHIPMENT: On or about January 25, 1949, and March 24 and December 26, 1950, by the Fox Co., from Selbyville, Del.

PRODUCT: 10 cases, each containing 4 1-gallon bottles, of *Foxsep* at Bishop, Md. Examination disclosed that the product consisted of cod liver oil, hydrochloric acid, and iodine.

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use since it failed to state the diseases or conditions of poultry for which the article was intended.

DISPOSITION: April 25, 1951. Default decree of condemnation and destruction.

3391. Misbranding of oil-acid-iodine. U. S. v. 19 Cases * * *. (F. D. C. No. 30792. Sample No. 3162-L.)

LIBEL FILED: On or about March 3, 1951, District of Maryland.

ALLEGED SHIPMENT: On or about January 8, 1951, by Midland-Western, Inc., from York, Pa.

PRODUCT: 19 cases, each containing 4 1-gallon bottles, of *oil-acid-iodine* at Snow Hill, Md.

LABEL, IN PART: "Oil-Acid-Iodine Prof. C. E. Lee Formula for Poultry Active Ingredients Cod Liver Oil (100D-1200A) Hydrochloric Acid Colloidal [sic] Iodine Water."

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use since it failed to reveal the purpose for which the article was intended.

DISPOSITION: April 3, 1951. Default decree of condemnation and destruction.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS*

3392. Adulteration and misbranding of amphetamine hydrochloride tablets. U. S. v. Robert Brinton Morris (Uno Laboratories). Plea of not guilty subsequently retracted. Fine of \$100 on count 1; imposition of sentence on count 2 suspended and defendant placed on probation for 2 years. (F. D. C. No. 29452. Sample No. 46720-K.)

INFORMATION FILED: August 8, 1950, District of New Jersey, against Robert Brinton Morris, trading as Uno Laboratories, at Pitman, N. J.

ALLEGED SHIPMENT: On or about May 7, 1949, from the State of New Jersey into the State of West Virginia.

LABEL, IN PART: (One bottle) "N-Methyl Amphetamine HCL (dl-Desoxyephedrine HCL) 10 Mgm. per Tablet"; (remainder of bottles) "Amphetamine HCL Tablets 10 Mgm. per Tablet."

NATURE OF CHARGE: Adulteration, Section 501 (d) (2), the tablets each containing 9.64 milligrams of racemic desoxyephedrine hydrochloride and containing no amphetamine hydrochloride had been substituted in whole or in part for tablets each containing 10 milligrams of amphetamine hydrochloride, which the article purported and was represented to be.

Misbranding, Section 502 (a), the label statements "N-Methyl Amphetamine HCL (dl-Desoxyephedrine HCL 10 Mgm. per Tablet" and "Amphetamine HCL Tablets 10 Mgm. per Tablet" were false and misleading since the tablets of the article contained no amphetamine hydrochloride.

DISPOSITION: April 20, 1951. A plea of not guilty having been retracted, the court imposed a fine of \$100 on count 1, suspended the imposition of sentence on count 2, and placed the defendant on probation for 2 years.

3393. Adulteration and misbranding of Conjugestoral tablets. U. S. v. 1 Bottle * * *. (F. D. C. No. 30765. Sample No. 4991-L.)

LABEL FILED: March 7, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about October 14, 1950, by Corby-Franklin Associates, from New York, N. Y.

PRODUCT: 1 1,000-tablet bottle of *Conjugestoral tablets* at Brighton, Mass.

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it was represented to possess, namely, 1.25 mg. of estrogens in their naturally occurring water-soluble conjugated form expressed as sodium estrone sulfate.

Misbranding, Section 502 (a), the label statement "Each tablet contains 1.25 mgm. of Estrogens in their naturally occurring water soluble conjugated form expressed as sodium estrone sulfate" was false and misleading as applied to the product, which contained less than the stated amount of estrogens.

DISPOSITION: April 23, 1951. Default decree of condemnation and destruction.

3394. Adulteration and misbranding of prophylactics. U. S. v. 42 Cartons * * *. (F. D. C. No. 30759. Sample Nos. 1494-L to 1496-L, incl.)

LABEL FILED: On or about March 13, 1951, Northern District of Georgia.

*See also No. 3385.