Robert I. Stanley, in 4 counts, and Albert B. McCully, in 2 counts, were charged with the sales made in those counts.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drug failed to bear a label containing an accurate statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drug failed to bear adequate directions for use.

Further misbranding, Section 502 (d), the repackaged drug contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the label of the drug failed to bear the name, and quantity or proportion of such derivative and the statement "Warning—May be habit forming."

DISPOSITION: October 5, 1951. Pleas of nolo contendere having been entered, the court imposed a fine of $100 against the partnership, withheld sentence against the individuals, and placed each individual on probation for 2 years.

3624. Misbranding of Special Prescription tablets and Aciduric tablets. U. S. v. 1 Drum, etc. (F. D. C. No. 31719. Sample Nos. 11314-L, 11315-L.)

LIBEL FILED: September 21, 1951, Southern District of Ohio.

ALLEGED SHIPMENT: On or about January 3 and September 11, 1950, by the Barlow-Maney Laboratories, from Cedar Rapids, Iowa.

PRODUCT: 1 drum containing 4,900 tablets designated "Special Formula tablets" and 57 bottles of tablets which had been repackaged from this drum by the consignee and labeled *Special Prescription tablets*; and 1 drum containing 14,900 tablets designated "Special Formula tablets" and 57 boxes of tablets which had been repackaged from the latter drum by the consignee and labeled *Aciduric tablets*. The products were located at Glendale, Ohio, and were accompanied by a number of labels, circulars entitled "Price List," and leaflets entitled "Special Notice."

Analysis indicated that the 4,900 tablets in one of the drums possessed essentially the composition stated upon the drum label and that the 14,900 tablets in the other drum contained approximately 5.4 grains of sodium salicylate per tablet.

LABEL, IN PART: (4,900-tablet drum) "Special Formula Tablets C. C. T. Each tablet contains as active ingredients: Po Iodized Lime 1/4 gr. (Represents a mixture of Iodine and Iodide of Calcium) Sodium acetate 1/4 gr. Sodium Nitrite 1 gr. Nitroglycerine Q. S. (1/1000 grain added at time of manufacture) * * * From the Laboratories of Arlo Co. * * * Cedar Rapids, Iowa"; (bottle) "Special Prescription Tablets * * * This package contains 75 tablets Each tablet contains: Iodized Lime 1/4 gr. Sodium Acetate 1/4 gr. Sodium Nitrite 1 gr. Sodium Bicarbonate 2 gr. Nitroglycerine 1-1000 gr. F. E. Crataegus 1 min."

(14,900-tablet drum) "Special Formula Tablets Each tablet contains: Sodium Salicylate, Powdered Cimicfugin, Powdered Phytolaccin and P. E. Burdock Root * * * From the Laboratories of Arlo Co. * * * Cedar Rapids, Iowa"; (box) "Landis Aciduric Tablets * * * Each Aciduric tablet contains: Sodium Salicylate 5 grains Powdered Cimicfugin 1/2 grain Phytolaccin 1/8 grain P. E. Burdock Root 1 grain This package contains 50 tablets."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the labeling of the tablets in the drums, bottles, and boxes were false and mislead-

ing. The statements represented and suggested that the tablets in the 4,900-tablet drum and in the bottles were an adequate and effective treatment for high blood pressure, and that the tablets in the 14,900-tablet drum and in the boxes were an adequate and effective treatment for rheumatism, joint pains, stiffness, and similar ailments and complaints. The articles were not adequate and effective treatments for such conditions.

Further misbranding, Section 502 (f) (1), the labeling of the tablets in the 4,900-tablet drum and in the bottles failed to bear adequate directions for use. The tablets were misbranded in this respect when introduced into, while in, and while held for sale after shipment in, interstate commerce.

Further misbranding, Section 502 (a), certain statements in the labeling of the tablets in the 14,900-tablet drum were false and misleading. The statements represented and suggested that powdered cimicifugin and phytolaccin are the common or usual names of drugs and that "P. E. Burdock Root" was an active ingredient. Powdered cimicifugin and phytolaccin are not the common or usual names of any substances, and "P. E. Burdock Root" was not an active ingredient of the tablets. The tablets were misbranded in this respect when introduced into and while in interstate commerce.

DISPOSITION: October 26, 1951. The R. Landis Co., Glendale, Ohio, claimant, having consented to the entry of a decree and admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the tablets be released under bond for relabeling under the supervision of the Federal Security Agency.

3625. Misbranding of vitamin and caffeine capsules. U. S. v. 200 Cartons, etc. (F. D. C. No. 30811. Sample Nos. 28011–L, 28012–L, 28020–L.)

LIBEL FILED: February 27, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about January 12, 1951, by the Preston Laboratories, and or about January 26 and February 6, 1951, by National Drug Laboratories, Inc., from Chicago, Ill.

PRODUCT: Vitamin and caffeine capsules. 200 cartons, each containing 28 vials; 2 fiber drums, each containing 104,000 capsules, and 1 fiber drum containing 102,500 capsules, at San Francisco, Calif., in possession of the Mapco Pharmacal Co., together with a number of vial and carton labels and other pieces of literature.

RESULTS OF INVESTIGATION: The capsules were shipped in fiber drums from Chicago to the Mapco Pharmacal Co., which repacked a number of the capsules into vials. The vials then were packed into cartons and were offered for sale with literature entitled "Are you suffering from T. F.? * * * Try Mapco Anti-Fatigue Kaps * * * T. F. (tired feeling)."

LABEL, IN PART: (Drums) "Private Formula 104,000 Bulk Capsules [or "102,500 Capsules"] * * * Each Capsule Contains: Thiamin HCl 5 mg. (5 MDR) Riboflavin 2.5 mg. (1¼ MDR) Niacinamide 10 mg. Vitamin B–12 (as in Streptomyces Fermentation Extractives) 2.5 mcg. Caffeine Citrate 2.5 gr. * * *"; (vials) "25 Mapco Kaps. Anti-Fatigue Kaps for that tired feeling * * * No Subsequent Depression * * * Dose: One capsule in the morning and afternoon. This product contains those basic vitamins, the lack of which often cause that 'tired' 'run down' feeling plus the blood building Vitamin B_{12} and stimulating caffeine.

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the capsules in the drums failed to bear adequate directions for use. The cap-