

and, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use since it failed to bear any directions for use.

DISPOSITION: November 29, 1951. A plea of guilty having been entered, the court imposed a fine of \$200.

3649. Alleged misbranding of fenugreek tea, Cetabs tablets, Ribotabs tablets, Niamin tablets, Ormotabs tablets, Kordel-A capsules, and Minerals Plus Chlorophyll and Vitamin D tablets. U. S. v. 269 Packages, etc. (and 1 other seizure action). (F. D. C. Nos. 19401, 19722. Sample Nos. 14049-H, 43774-H to 43778-H, incl., 43780-H.)

LIBELS FILED: March 13, 1946, Southern District of Ohio, and April 30, 1946, Southern District of California; amended libels filed in Southern District of Ohio on or about October 22, 1947, and in Southern District of California on or about January 19, 1948.

ALLEGED SHIPMENT: Between the approximate dates of January 1, 1945, and March 22, 1946, by Lelord Kordel Products and Nutrition Enterprises (national distributor of Lelord Kordel Products), from Chicago, Ill.

PRODUCT: 231 4-ounce packages, 36 1-pound packages, and 2 4-pound packages of *fenugreek tea* at Cincinnati, Ohio, and 118 30-tablet boxes of *Cetabs tablets*, 288 50-tablet boxes of *Ribotabs tablets*, 25 50-tablet boxes of *Niamin tablets*, 232 50-tablet boxes of *Ormotabs tablets*, 288 30-capsule boxes of *Kordel-A capsules*, and 432 100-tablet boxes of *Minerals Plus Chlorophyll and Vitamin D tablets* at Los Angeles, Calif.

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the articles failed to bear adequate directions for use in the following conditions for which the articles were prescribed, recommended, and suggested in their advertising disseminated and sponsored by or on behalf of the manufacturer or packer:

Fenugreek tea. Removal from the body of dead cells; preventing formation of mucus and slime; preventing or treating inflammation and ulcers of the stomach and duodenum; torpid liver; diseased liver; inflammation of the colon or colitis; swelling of the legs; poor circulation of the blood; leucorrhoea; mucous discharge from the head; boils; loss of smell; infection and rupturing of the appendix; peritonitis; overcoming obstacles to the proper absorption of food; and conditions interfering with the natural functions of the body;

Cetabs tablets. Treatment of allergies, aching joints, eczema, soft, bleeding, receding gums, flabby, soft tissues, red splotches of veins, tendency to bruise easily, and for keeping the cells of the body together;

Ribotabs tablets. Treatment or prevention of cataract of the eye, cracks in the tongue, corners of the eyes, finger tips, etc., itching of the lips and eyelids, and skin and eye conditions; effecting normal functioning and maintaining a healthy condition of the eyes; and maintaining maximum health;

Niamin tablets. Treatment or prevention of migraine headaches and high blood pressure accompanied by nervousness;

Ormotabs tablets. Regulating gland activity; producing hormones; benefiting the health and activity of glands; maintaining normal activity of the parathyroid gland; aiding the glands of the body; helping the glands to maintain body balance; assisting those approaching 40 and after 40; nourishing the glands of the body; helping the glands along; and causing the glands to function properly;

Kordel-A capsules. Treatment or prevention of certain infections, sinus trouble, poor complexion, poor vision, sensitiveness to glare, night blindness, red and swollen lids, squinting, and dryness of eyes; and

Minerals Plus Chlorophyll and Vitamin D tablets. Treatment or prevention of tumors, cysts, growths of various kinds, female troubles, and arthritis; keeping the brain in a healthier condition; maintaining health of the reproductive system; lengthening life; and prolonging youthful vitality.

Further misbranding, Section 502 (f) (1), the labeling of the articles, with the exception of the *fenugreek tea*, failed to bear adequate directions for use since the labeling failed to state any diseases or conditions for which the articles were to be used or taken.

The libel alleged also that another article, namely, Aminex amino acid tablets, was misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: Lelord Kordel appeared as claimant in the Ohio seizure and filed exceptions seeking dismissal of the libel against *fenugreek tea* and the Aminex amino acid tablets. A motion for discovery was filed subsequently by the claimant and was granted by the court in reference to the advertising, lectures, and records which the Government intended to rely upon in proving the conditions for which the *fenugreek tea* was intended to be used.

Lelord Kordel appeared also as claimant in the California seizure and filed exceptions to the libel, which were overruled on December 2, 1947. Subsequently, a motion to amend the libel was filed and granted. On March 1, 1948, pursuant to stipulation between the parties, the California seizure was transferred to the Southern District of Ohio and consolidated for trial with the Ohio seizure.

Thereafter, on February 18, 1952, upon stipulation between the parties that the cases presented no question for adjudication for the reason that all of the products under seizure had deteriorated and had become unmarketable, and with the consent of the parties and without any finding on any issue of fact or law, the court ordered that the products be destroyed.

3650. Adulteration and misbranding of Hexachlorophene-Special ointment and Hex-O-Phene ointment. U. S. v. 3 Drums, etc. (F. D. C. No. 31712. Sample No. 20822-L.)

LIBEL FILED: September 17, 1951, Northern District of Alabama.

ALLEGED SHIPMENT: On or about March 26, 1951, by W. F. Zimmerman, Inc., from Newark, N. J.

PRODUCT: 2 unopened drums, 1 partially filled drum, and 3¼ gross jars of ointment at Birmingham, Ala., in possession of the Wright Pharamacal Co., together with a number of circulars entitled "New Wonder Drug Discovered." The product contained in the drums had been invoiced *Hexachlorophene-Special ointment*, and that portion which was contained in the jars had been repackaged from one of the drums and labeled *Hex-O-Phene ointment*.

Analysis of the product showed that it contained not more than 1.06 percent of hexachlorophene.

RESULTS OF INVESTIGATION: The jars had been packed from one of the drums and labeled by the consignee. The circulars were being enclosed in packages with the jars, which were shipped to retailers.