

LABEL, IN PART: (Carton) "Smithies Prophylactics * * * manufactured by The Allied Latex Corp., East Newark, New Jersey."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess. The article was adulterated when introduced into, while in, and while held for sale after shipment in, interstate commerce.

DISPOSITION: March 19, 1952. The Allied Latex Corp. having executed an acceptance of service and an authorization for taking of a final decree, the court entered a decree of condemnation and destruction.

3735. Adulteration and misbranding of clinical thermometers. U. S. v. 205 Devices * * *. (F. D. C. No. 31963. Sample No. 26756-L.)

LIBEL FILED: November 7, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about June 6, 1951, by the Dittmar Thermometer Co., from Hollis, N. Y.

PRODUCT: 205 *clinical thermometers* at San Francisco, Calif. Examination of 24 thermometers showed that 2 failed to meet the hard shaker test and 4 failed to give accurate readings. Five of the 24 were tested for pigment retention, and all five failed to meet this test.

LABEL, IN PART: (12-unit box) "Timico Clinical Thermometer Style Rectal."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the following statements appearing on the envelopes containing the thermometers were false and misleading since the article failed to meet the tests specified in Commercial Standard CS1-32, U. S. Department of Commerce, for hard shaker, pigment retention, and accurate readings: "This certifies that the thermometer bearing the above identification number has been tested and compared with standards verified by U. S. Government Bureau of Standards and found correct at this date within tolerances specified for accuracy in Commercial Standard CS1-32 U. S. Department of Commerce. This thermometer is guaranteed to be of absolute accuracy."

DISPOSITION: March 20, 1952. Default decree of condemnation and destruction.

DRUGS ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

DRUGS FOR HUMAN USE*

3736. Action to enjoin and restrain the interstate shipment of misbranded mineral tablets, B complex vitamins with iron tablets, and Mo Tee Na tablets. U. S. v. Nature's Mineral Food Co., Perry B. Smith, and Thornton B. Smith. Permanent injunction granted. (Inj. No. 234.)

COMPLAINT FILED: October 19, 1951, Southern District of Indiana, against the Nature's Mineral Food Co., a partnership, Indianapolis, Ind., and Perry B. Smith and Thornton B. Smith, partners in the partnership, alleging that the defendants had been introducing and delivering, and were continuing to introduce and deliver, for introduction into interstate commerce, *mineral tablets, B complex vitamins with iron tablets, and Mo Tee Na tablets* which were misbranded.

*See also Nos. 3722, 3735.