

reliable means of diagnosing cancer; Sections 502 (b) (1) and (2), the drugs failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and accurate statements of the quantity of the contents; and, Section 502 (e) (1), the label of the "Dunkler Cancer Test Reagens II" failed to bear the common or usual name of the drug, ether.

The complaint alleged further that the continued introduction and delivery of the drugs into interstate commerce was dangerous to the public and could cause irreparable injury through failure to diagnose a cancerous condition, which failure might well lead to such delay in obtaining treatment that irreparable injury would occur; and that it was necessary that a temporary restraining order issue *ex parte*, pending hearing for a preliminary injunction.

The complaint prayed that the court grant a temporary restraining order restraining the defendant, his agents, servants, employees, representatives, and all persons in active concert or participation with him from directly or indirectly introducing or delivering the drug for introduction into interstate commerce; that an order be entered directing the defendant to show cause why the relief prayed for should not be granted; that upon the hearing of such order, a preliminary injunction be granted; and that after further due proceedings, such preliminary injunction be made permanent.

**DISPOSITION:** On October 30, 1952, the court issued a temporary restraining order, and on November 17, 1952, the defendant having consented to the entry of a decree, judgment was entered that the defendant be perpetually enjoined and restrained from directly or indirectly introducing or causing the introduction or delivery into interstate commerce of articles of drugs misbranded within the meaning of Section 502.

**3913. Misbranding of calcium pantothenate tablets. U. S. v. 14 Bottles \* \* \*.**  
(F. D. C. No. 26950. Sample No. 48288-K.)

**LIBEL FILED:** March 25, 1949, District of Delaware.

**ALLEGED SHIPMENT:** On or about September 24, 1948, from Newark, N. J.

**PRODUCT:** *Calcium pantothenate tablets.* 14 bottles, each containing 100 tablets, in the possession of the Natural Food Centre, Wilmington, Del. The product was shipped in bulk containers, and was bottled and labeled by the consignee, the Natural Food Centre.

**LABEL, IN PART:** (Bottle) "Daland's Calcium Panto-Thenate Tablets."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the statement appearing on the bottle label "Clinical experiments have shown darkening of the hair in some cases in 1 month, others in 23 months to a year" was false and misleading since it represented and suggested that the article was effective to restore the original color to gray hair, whereas it was not effective for such purpose. The article was misbranded while held for sale after shipment in interstate commerce.

**DISPOSITION:** November 27, 1951. Judson D. Ryon, claimant, trading as the Natural Food Centre, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

**3914. Misbranding of lecithin. U. S. v. 14 Drums, etc. (F. D. C. No. 33301.**  
Sample Nos. 37644-L, 37645-L.)

**LIBEL FILED:** June 23, 1952, Southern District of New York.