

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.

ALLEGED SHIPMENT: On or about April 21 and May 8, 1952, from Cleveland, Ohio.

PRODUCT: 14 drums, each containing 35 pounds, and 1 drum, containing 20 pounds, of *lecithin*, together with 1 drum, containing 20 pounds, and 248 bottles, each containing 8 ounces, of *lecithin* to which 2 percent of calcium phosphate had been added, and a number of leaflets entitled "Lecithin," at New York, N. Y., in the possession of Amend Drug & Chemical Co., Inc.

RESULTS OF INVESTIGATION: The consignee added 2 percent of calcium phosphate to the *lecithin* and bottled it in the 8-ounce bottles. The labels for the bottles and the above-mentioned leaflets were printed and used by the consignee in marketing the product.

LABEL, IN PART: (Bottle) "Lecithin * * * Contains 2% Calcium Phosphate, tribasic, N. F."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the bottle label and in the above-mentioned leaflet accompanying the article were false and misleading. The statements represented and suggested that the article was an effective treatment for arthritis, arteriosclerosis, coronary thrombosis, high blood pressure, low blood pressure, diabetes, many body infirmities, and a variety of other ills. The article was not an effective treatment for such conditions. The article was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: November 19, 1952. Amend Drug & Chemical Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

3915. Misbranding of mineral tablets and nutritional tablets. U. S. v. 390 bottles, etc. (F. D. C. No. 31635. Sample Nos. 31708-L to 31711-L, incl.)

LIBEL FILED: August 29, 1951, Southern District of Illinois.

ALLEGED SHIPMENT: On or about January 17 and June 4, 1951, by Ira Allison, M. D., from Springfield, Mo.

PRODUCT: 390 60-tablet bottles of *mineral tablets* and 570 30-tablet bottles of *nutritional tablets* at Congerville, Ill., in the possession of the Schrock Bros. Co., together with a number of leaflets entitled "Brucella Infections," "Brucellosis and Mastitis," "Summary of 'Dr. Allison Clinic' April 10, 1950," and "Review of 'Dr. Allison Clinic' March 26, 27th."

RESULTS OF INVESTIGATION: Some of the above-mentioned leaflets were shipped by Ira Allison or on his instructions, while others were prepared by the consignee.

LABEL, IN PART: (Bottle) "Savoy Mineral Tablets Each Tablet Represents: Manganese sulfate 0.12 Gm., Magnesium sulfate 0.12 Gm., Copper sulfate 1.5 mg., Cobalt sulfate 6 mg., Iron sulfate 30 mg., Zinc sulfate 1 mg." and "Savoy Nutritional Tablets Each Tablet contains: Dicalcium Phosphate (Calcium Phosphate Diabasic) 7½ Grains."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the above-mentioned leaflets which accompanied the articles were false and misleading. The statements represented and suggested that the articles were adequate and effective treatments for brucellosis, mastitis, undulant fever, gastric ulcers, symptoms of nervousness, despondency, fear of imminent danger,