CHARGE: 502 (a)—the accompanying labeling of the article while held for sale contained false and misleading representations that the article was an effective treatment for arthritis, rheumatism, stomach infections, colds, dysentery, and high blood pressure.

DISPOSITION: 8–16–54. Default—destruction.

4579. Uranium ore. (F. D. C. No. 37057. S. No. 85–865 L.)

QUANTITY: 5 tons at Canistota, S. Dak., in possession of Joel J. Strom, t/a Canistota Uranium Health Center.

SHIPPED: During May 1954, from Butte, Mont.

ACCOMPANYING LABELING: Booklet entitled "Health Is Your Most Prized Treasure," a flyer designated "Merry Widow Mine," and leaflets designated "Radioactivity Does Wonders . . . Health Is Your Most Prized Treasure."

RESULTS OF INVESTIGATION: The *uranium ore* was stored after shipment in the walls and under the floor of a one-room cabin known as the Canistota Uranium Health Center. The room was provided with benches upon which the patient would sit for a period of 1 hr. while undergoing the "treatment" provided by the purported radioactivity of the ore. The accompanying labeling of the ore was displayed on the premises of the Canistota Uranium Health Center, and was distributed by the consignee to prospective patients.

LIBELED: 8–24–54, Dist. S. Dak.

CHARGE: 502 (a)—the accompanying labeling of the article while held for sale contained false and misleading representations that the article provided an adequate and effective treatment for arthritis, rheumatism, asthma, sinus trouble, and skin disorders.

DISPOSITION: Joel J. Strom, claimant, filed an answer on or about 9–14–54, denying that the article was misbranded as alleged in the libel. Thereafter, the Government served interrogatories upon the claimant, which were answered by him showing, among other things, that the article was transported from Montana in a truck owned by the claimant. A motion to amend the libel was then filed by the Government to add the charges that when the article was introduced into interestate commerce it was misbranded (1) under 502(a) in that its accompanying labeling, namely, the above-mentioned booklet and flyer, contained false and misleading representations as described above and (2), in the alternative, under 502(f)(1) in that its labeling failed to bear adequate directions for use in the treatment of the diseases and conditions for which the article was intended.

On 12–15–54, an order to amend the libel as proposed in the Government's motion was entered, and, pursuant to motion by the claimant an order was entered for the withdrawal of the claimant's claim and answer. Thereafter, on the same day, a decree of condemnation and destruction was entered against the article.

4580. Triethylene glycol and vaporizer device. (F. D. C. No. 36835. S. Nos. 78–696/7 L.)

QUANTITY: An unknown number of 4-oz. btls. of *triethylene glycol* and an unknown number of cartons containing 1 *Insect-O-Lite vaporizer*, 1 1–oz. bag of *Insectane*, and 1 4-oz. btl. of *triethylene glycol*, at Cincinnati, Ohio.

SHIPPED: *Triethylene glycol* was shipped in bulk from South Charleston, W. Va., on 3–6–54, 4–22–54, and 4–24–54.

LABEL IN PART: (Btl.) "Tricol * * * Triethylene Glycol * * * for use in Insect-O-Lite Vaporizer for disinfection of the air, destruction of air-borne bacteria and virus germs * * * Insect-O-Lite Co., Inc. Cincinnati 6, Ohio"; (carton) "One Insect-O-Lite Vaporizer with Insectane * * * Tricol."

ACCOMPANYING LABELING: Placards designated "Insect-O-Lite—Vapor Lamp"; window streamers designated "Destroy Insects with Insect-O-Lite"; circulars designated "Kills Crawling and Flying Insects," "Let 'em Have Both Barrels," "Insect-O-Lite Vapor Lamp," and "Insect-O-Lite Vaporizer with Tricol"; and shipping case labels designated "One Insect-O-Lite Vaporizer with Insectane * * * Tricol."

RESULTS OF INVESTIGATION: The *triethylene glycol* in bulk was received by Bernard's Laboratories at Cincinnati, Ohio, from South Charleston, W. Va., and was repackaged by that firm on the order of Insect-O-Lite Co., Inc., Cincinnati, Ohio, into bottles labeled as described above. A number of the bottles were then delivered by the Insect-O-Lite Co., Inc., to the Norvelle Co., which placed each bottle into a carton labeled as described above, together with 1 *Insect-O-Lite vaporizer*, 1 1-oz. bag of *Insectane*, and a copy of a circular designated "Insect-O-Lite Vaporizer with Tricol." The Norvelle Co. then delivered a number of assembled Insect-O-Lite cartons to the Insect-O-Lite Co., Inc., for distribution by that firm.

LIBELED: 6–14–54, S. Dist. Ohio.

CHARGE: 502(a)—the labeling of the *triethylene glycol* and the *Insect-O-Lite vaporizer* while held for sale contained false and misleading representations that the articles were effective for preventing colds, streptococci infection, influenza, pneumonia, measles, mumps, scarlet fever, rheumatic fever, catarrhal fever, tonsillitis, otitis media, chickenpox, sinusitis, infections due to *Bacillus coli* and *Bacillus subtilis*, throat infections, and respiratory infections.

DISPOSITION: 6–22–54. Consent—claimed by Insect-O-Lite Co., Inc., and relabeled.

INDEX TO NOTICES OF JUDGMENT D. D. N. J. NOS. 4561 TO 4580

PRODUCTS

U. S. Department of Health, Education, and Welfare

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

4581–4600

DRUGS AND DEVICES

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve drugs and devices which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce. These cases involve (1) seizure proceedings which were terminated with the entry of default or consent decrees of condemnation; (2) criminal proceedings which were terminated upon pleas and verdicts of guilty and upon motion for acquittal; (3) injunction proceedings terminated with the entry of injunctions; and (4) contempt proceedings for violation of an injunction which were terminated upon a plea of guilty. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal, injunction, and contempt proceedings are against the *firms or individuals* charged to be responsible for violations.

Similar actions with respect to products alleged to be in violation while held for sale after shipment in interstate commerce are reported in other supplements.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *March 9, 1956.*

CONTENTS*

*For omission of, or unsatisfactory, ingredients statements, see No. 4583; failure to bear a label containing an accurate statement of the quantity of the contents, No. 4583.

373984—56——1

SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS REPORTED IN D. D. N. J. NOS. 4581–4600

Adulteration, Section 501 (a) (1), the article consisted in part of a filthy substance; and, Section 501 (c), the article was not subject to the provisions of Section 501 (b), and its strength differed from, or its purity or quality fell below, that which it purported or was represented to possess.

Misbranding, Section 502 (a), the labeling of the article was false and misleading; Section 502 (b) (2), the article was in package form, and it failed to bear a label containing an accurate statement of the quantity of contents; Section 502 (e) (2), the article was not designated solely by a name recognized in an official compendium and was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each active ingredient; Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use; Section 502 (f) (2), the labeling of the article failed to bear adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form, as are necessary for the protection of users; Section 502 (j), the article was dangerous to health when used in the dosage, or with the frequency or duration, prescribed, recommended, or suggested in its labeling; and, Section 502 (l), the article purported to be and was represented as a drug composed partly of a kind of penicillin or aureomycin, and it was not from a batch with respect to which a certificate or release had been issued pursuant to Section 507.

DRUGS ACTIONABLE BECAUSE OF POTENTIAL DANGER WHEN USED ACCORDING TO DIRECTIONS

4581. Vaginal suppositories. (Inj. No. 279.)

COMPLAINT FOR INJUNCTION FILED: 5–20–54, N. Dist. Ill., against Harriet McGill Fickinger, t/a Dr. J. A. McGill Co., Not Inc., and Clara H. Nielsen, general manager of the business, to enjoin the interstate shipment of the above-mentioned article.

LABEL IN PART: (Box) "Contents 6 Suppositories Orange Blossom Suppositories Active Ingredients of Each Suppository: Alum—Borax—Petrolatum Prepared by DR. J. A. McGILL CO., Not Inc. 2001–3 Indiana Ave., Chicago 16, Ill. For Simple Irritations Of The Vaginal Tract Directions—Remove tinfoil and at bed time insert one suppository in vagina and with your finger push it up as far as you can. Let it remain there undisturbed for three days. Then at night take a douche of warm water, and on the evening of the second day apply again as above, making the application every five days excepting at monthly periods, allowing four days for the periods, then apply the suppository every five days. The use of Orange Blossom Suppositories is not recommended at the menstrual period or during pregnancy."

ACCOMPANYING LABELING: Leaflet entitled "Dr. J. A. McGill Co.'s Suppositories."

CHARGE: The complaint alleged that the article, when used as a suppository in the vagina in the manner recommended in its labeling, or in any other dosage, was unsafe and dangerous to health and that the article, because of its alum content, may cause serious injury by destroying normal, healthy tissue in the vaginal tract and that the defendants had been and still were engaged in preparing, selling, and introducing into interstate commerce such article which was misbranded under 502 (a), and that its labeling, when con-