

"It is ORDERED, ADJUDGED AND DECREED that the defendants shall dissolve the said corporation and on or before November 1, 1958 completely discontinue the operation of the Hoxsey Cancer Clinic at Portage, Pennsylvania; that the said defendants, and each of them, shall not after that date reopen the said clinic under the name of the Hoxsey Cancer Clinic or any other name for the treatment of any person or persons for cancer, and shall not assign, lease or sell the said clinic to any other persons or organization except with the approval of this court; that the decree entered October 2, 1957 shall continue in full force and effect; that defendants' failure to comply with this supplemental consent decree may be prosecuted as a criminal contempt, and that upon defendants' failure to comply with this supplemental consent decree the Court will immediately sign the order to show cause that is now pending and shall schedule the case for an early trial.

"The Food and Drug Administration is directed to report to the Court, not later than December 1, 1958, whether the defendants are in full compliance with this decree."

5782. Zina-Ray Oil, inhalers, and Ten Second Rub. (F.D.C. No. 42158. S. No. 24-906 P.)

INFORMATION FILED: 10-17-58, Dist. Minn., against William R. Hall, Minneapolis, Minn.; amended information filed, 11-17-58.

ALLEGED VIOLATION: On 1-23-58, at a public sales talk in Minneapolis, Minn., the defendant caused oral representations to be made holding the articles out to the public as a treatment for the diseases, symptoms, and conditions set forth below, which act resulted in the articles being misbranded while held for sale after shipment in interstate commerce.

LABEL IN PART: (Drug) "Zina-Ray Oil * * * Contains Eucalyptus Oil, Menthol, Pine Needle Oil, Peppermint Oil. Contents 3 Fl. Oz."; (device) "25¢ Inhaler 25¢"; (tube) "Ten Second Rub * * * Net Weight 3 fluid oz."

CHARGE: 502(f)(1)—the labeling of the articles failed to bear adequate directions for use in the treatment of the diseases, symptoms, and conditions for which the articles were intended, namely, (*Zina-Ray Oil* and *inhalers*) for preventing headaches, pain in the gums, neuralgia, deafness, arthritis, rheumatism, formation of crystal deposits in the bones, inflammation of the ear, pneumonia, "flu", and overcoming sinus infection and asthma; and (*Ten Second Rub*) for overcoming arthritis, rheumatism, and all aches and pains to which the body is subject.

PLEA: Guilty.

DISPOSITION: 1-26-59. \$500 fine and sentence of 4 months in prison.

5783. Dasin C. S. capsules. (F.D.C. No. 41740. S. No. 79-505 M.)

INDICTMENT FILED: 7-31-58, E. Dist. N.Y., against Charles P. Greenberg, and Marvin Goldstein, partners in the partnership of Page Drugs, Bethpage, N.Y.

ALLEGED VIOLATIONS: On 10-19-57, while a number of *Dasin C. S. capsules* were being held for sale by the defendants after shipment in interstate commerce, the defendants caused to be dispensed, delivered, and sold to a customer, a number of such tablets in place of the Panalba capsules called for in the prescription which was presented by the customer to the defendants for filling. Such acts resulted in the *Dasin C. S. capsules* being adulterated and misbranded as described below.

CHARGE: 501(c)—the strength of the article differed from that which it purported and was represented to possess; 501(d)(2)—*Dasin C. S. capsules* had been substituted for Panalba capsules; 502(a)—the statement on the vial label of the article contained false and misleading representations and suggestions

that the article was Panalba capsules; 502(b)(2)—the label of the article bore no statement of the quantity of contents; 502(d)—the article contained a chemical derivative of codeine, namely, codeine sulfate, which derivative had been found to be, and by regulations designated as, habit forming, and the label of the article failed to bear a statement of the quantity of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming"; 502(e)(1)—the label of the article failed to bear the common or usual name of the article, namely, Dasin C. S.; 502(e)(2)—the label of the article failed to bear the common or usual name of each active ingredient in each capsule of the article, including the name, quantity, kind, and proportion of acetophenetidine and atropine or any derivative of any such substances contained therein; 502(f)(1)—the labeling of the article failed to bear adequate directions for use; 502(f)(2)—the labeling of the article failed to bear such 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 of administration or application, in such manner and form, as are necessary for the protection of users; and 502(i)(3)—the article was offered for sale under the name of another drug.

PLEA: Guilty.

DISPOSITION: 12-5-58. Each defendant was fined \$1,500, given a jail sentence of 1 year, which was suspended, and placed on probation for 3 years.

5784. Vitamin-mineral supplement, Special Formula dietary supplement, inhalant & rubbing oil, and salve. (F.D.C. No. 42231. S. Nos. 25-277/80 P.)

QUANTITY: 318 60-tablet btl. of *vitamin-mineral supplement*, 18 btl. *Special Formula dietary supplement*, 136 1-oz. vials *inhalant & rubbing oil*, and 144 2-oz. tins of *salve*, at Mitchell, S. Dak.

SHIPPED: At various times, from outside the State of South Dakota.

LABEL IN PART: (Btl.) "Napier's 14 & 10 (Improved) Vitamins-Minerals A dietary supplement * * * Prepared for Chief D. A. Napier, R.R. #3—Tahlequah, Okla." and "Napier's Special Formula E.P. A high potency dietary supplement furnishing a wide range of vitamins and minerals * * * Distributed by Chief D. A. Napier"; (tin) "Napier's Family Salve Active Ingredients: Methyl Salicylate, Oil Pine Tar and Balsam Peru in a Petrolatum base * * * Chief D. A. Napier"; (vial) "Napier's Inhalant & Rubbing Oil * * * Active Ingredients: Eucalyptus Oil, Menthol, Peppermint Oil, Thymol, Camphor * * * Chief D. A. Napier."

ACCOMPANYING LABELING: Booklets entitled "Napier's Health Book" and leaflets entitled "Chief Don A. Napier and Family * * * How Vitamins & Minerals Help The Whole Family—The Price of Health."

LIBELED: 10-21-58, Dist. S. Dak.

CHARGE: 502(a)—the labeling accompanying the *vitamin-mineral supplement* and the *Special Formula dietary supplement*, while held for sale, contained false and misleading representations that the articles were effective in the prevention and treatment of tuberculosis, heart disease, liver and kidney disorders, gout, jaundice, skin diseases, indigestion, sexual weakness or impotence, mental deficiency, diabetes, catarrh, sores that do not heal, arthritis, rheumatism, chronic bronchitis, and cirrhosis of the liver; and 502(f)(1)—while held for sale, all the articles failed to bear adequate directions for the uses for which they were intended, namely, (*vitamin-mineral supplement*) for

treatment of arthritis and rheumatism, high blood pressure, improving eyesight, and insuring general good health; (*Special Formula dietary supplement*) as a "make man" remedy to restore lost manhood, improve sexual powers, and for sexual rejuvenation generally; (*inhalant and rubbing oil*) for the treatment of sinus trouble, catarrh, asthma, hay fever, colds, grippe, earache, chest colds, chilblains, pain in the back, neck, or leg; and (*salve*) for all kinds of burns or scalds, eczema, impetigo, skin rashes, poison oak, poison ivy, ringworm, itching, bleeding, blind or protruding hemorrhoids, and varicose vein sores; which were the purposes and conditions for which the articles were offered for sale orally by the distributor, Don A. Napier, in a sales talk at Mitchell, S. Dak.

DISPOSITION: 12-2-58. Default—the *vitamin-mineral supplement* and the *Special Formula dietary supplement* were delivered to a public institution for its use, and the other articles were destroyed.

5785. Integrated therapy capsules and ointment. (F.D.C. No. 42239. S. Nos. 42-104/5 P.)

QUANTITY: 4 pkgs., each containing 1 jar of ointment and 1 30-capsule btl., and 13 90-capsule btl., at Billings, Mont.

SHIPPED: 8-14-58, from Paris, Tenn., by Golden Peacock Toilettries.

LABEL IN PART: (Pkg.) "Integrated Therapy Capsulate & Ointment * * * Mitchum Distributors Paris, Tennessee"; (jar) "Net Wt. 1 Oz. Integrated Therapy Ointment * * * Contains 1% Ammoniated Mercury, Sorbitol, Hexachlorophene, and Natural Estrogens, Principally Estrone, equivalent to 10,000 I.U. per ounce. Directions * * * 3223"; (btl.) "30 [or "90"] Capsules Integrated Therapy Capsulate * * * Each Capsule Contains Palmitate 12,500 USP Units Irradiated Ergosterol 1,000 USP Units Thiamine Hydrochloride USP 5.0 mg. Riboflavin USP 2.5 mg. Pyridoxine Hydrochloride .5 mg. Vitamin B-12 1.0 mg. Ascorbic Acid USP 75.0 mg. Niacinamide USP 40.0 mg. Calcium Pantothenate 4.0 mg. d-alpha Tocopheryl Acetate . . . equivalent to 2 I.U. Vit. E Folic Acid USP 0.5 mg. Dicalcium Phosphate, Anhydrous 260.0 mg. Calcium 75.0 mg. Phosphorous 58.0 mg. Choline Bitartrate 31.4 mg. Inositol 15.0 mg. di-Methionine 10.0 mg. Ferrous Sulfate * * * (iron 30 mg.) 102.0 mg. Cobalt Sulfate * * * .193 mg. Copper Sulfate * * * 1.257 mg. Manganese Sulfate * * * 1.573 mg. Sodium Molybdate .253 mg. Potassium Iodide USP * * * .099 mg. Zinc Sulfate * * * 1.388 mg. Magnesium Sulfate * * * 21.583 mg."

ACCOMPANYING LABELING: Leaflets entitled "Valuable Free Merchandise Certificate," "Happy Days are Here Again Since We Discovered Integrated Therapy Capsulate," and "Instructions for Use."

LBELED: 10-27-58, Dist. Mont.

CHARGE: 502(a)—the labeling of the articles, when shipped, contained false and misleading representations that the articles were an adequate and effective treatment for making one feel and look younger, combating signs of age, lack of sleep, loss of mental and physical ambition, aches and pains, needless worry and sexual weakness, and that the articles would produce a new glow of inner health and vitality and would eliminate wrinkles and firm the skin; and 502(f) (2)—the ointment contained a mercury compound, and its labeling failed to warn that users should discontinue the use of the article if irritation of the skin developed, and that frequent or prolonged use or application to large areas may cause serious mercury poisoning.

DISPOSITION: 12-1-58. Default—destruction.