

subject to 503(b)(1) and their labels failed to bear the statement "Caution: Federal law prohibits dispensing without prescription."

DISPOSITION: The consignee of the articles appeared as claimant and filed an answer denying that the articles were subject to seizure. Subsequently, the Government filed interrogatories. On 12-6-60, the claimant died, and, on 1-18-61, the proctor for the claimant having consented, the court entered a decree of condemnation and destruction.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS*

6549. Lecithin capsules, strawberry oil, Minovals capsules, and Alma-Cado Oil. (F.D.C. No. 44654. S. Nos. 50-255 P, 50-257 P, 50-259 P, 50-262 P.)

INFORMATION FILED: 11-23-60, S. Dist. Ohio, against Roy C. Elkins, Miami, Fla.

ALLEGED VIOLATIONS: Between 10-7-59 and 10-9-59, while the articles were being held for sale at a health food store in Cincinnati, Ohio, after shipment in interstate commerce, the defendant, in the course of sales talks given by him at a Cincinnati hotel, caused oral representations to be made holding the articles out as a treatment for various diseases, symptoms, and conditions as hereinafter described, which acts resulted in the articles being misbranded.

LABEL IN PART: (Jar) "RoyelkinS 100 CAPSULES LECITHIN Suspended in Soybean Oil Distributed by ROY ELKINS HEALTH FOODS P.O. Box 782 Miami, Fla."; (btl.) "Roy Elkins Strawberry Oil Distributed by ROY ELKINS—BEVERLY HILLS, CALIF. NET CONTENTS 4 FL. OZ."; "RoyelkinS 100 CAPSULES MINOVALS WITH WHEAT GERM OIL Distributed by ROY ELKINS HEALTH FOODS P.O. Box 782 Miami, Fla."; and "Roy Elkins Famous ALMA-CADO OIL CONTAINS NO CHOLESTEROL NET CONTENTS 8 FL. OZS. PRICE \$2.50 Distributed by ROY ELKINS P.O. Box 782, Miami 1, Florida."

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, (*lecithin capsules*) disorders of the eyes, ears, circulatory system and cramps; (*strawberry oil*) rheumatoid conditions and neoplasms; (*Minovals capsules*) ulcers; and (*Alma-Cado Oil*) arthritis, disorders of the veins, and warts, which were the diseases, symptoms, and conditions for which the articles were held out by the defendant in the course of the above-mentioned sales talks.

PLEA: Guilty.

DISPOSITION: 4-7-61. Fine of \$250 on each of the 4 counts of the information, with the fine on 3 of the counts being suspended on condition that the defendant not re-enter the health food lecturing business.

6550. Visan Assurance Food Supplement. (F.D.C. No. 44321. S. No. 61-265 P.)

INFORMATION FILED: 9-27-60, E. Dist. Mich., against Jean Kalin, Detroit, Mich.

ALLEGED VIOLATION: On 8-11-59, the defendant, in the course of a sales talk to persons present, made oral representations holding out *Visan Assurance Food Supplement* capsules and tablets as a treatment for the diseases, symptoms, and conditions set forth below, which acts resulted in the articles being misbranded while held for sale.

*See also Nos. 6546-6548.

LABEL IN PART: (Ctn.) "Visan Assurance Food Supplement Contents 60 Red Vitamin Capsules 180 Green Mineral Tablets 1 month supply for 1-adult or teenager."

CHARGE: 502(f)(1)—while held for sale, the labeling of the articles failed to bear adequate directions for use in the treatment of the diseases, symptoms, and conditions for which they were intended, namely, arthritis, eczema, hardening of the arteries, hay fever, nervous stomach, high blood pressure, sinus diseases, migraine headache, heart disease, run-down condition, constipation, stiff neck, swollen knees and fingers, asthma, coughs, nervous conditions, goiter, colitis, sugar diabetes, and sore and bleeding hands, which were the diseases, symptoms, and conditions for which said article was held out to the persons present at the aforesaid sales talk.

PLEA: Not guilty.

DISPOSITION: On 1-11-61, the defendant was found guilty after a trial by the court without a jury, and, on 3-7-61, was fined \$250 and placed on probation for 2 years.

6551. Tri-Wonda Treatment (Tri-Wonda Nos. 1, 2, and 3). (Inj. No. 270.)

COMPLAINT FOR INJUNCTION FILED: 3-3-54, S. Dist. Miss., against Lela S. Wier, t/a Wonda Products Co., Jackson, Miss.

NATURE OF BUSINESS: The defendant was engaged in distributing and selling the drug "Tri-Wonda." This drug consisted of three component parts which were packed in separate containers. One bottle of "Tri-Wonda No. 1," two cans of "Tri-Wonda No. 2," and three bottles of "Tri-Wonda No. 3" constituted a "*Tri-Wonda Treatment*." "Tri-Wonda No. 1" was a combination of dilute hydrochloric and dilute nitric acid with traces of tartaric and acetic acids; "Tri-Wonda No. 2" was a mild laxative containing cream of tartar, senna, sulfur and phenolphthalein; and "Tri-Wonda No. 3" consisted of a 44 percent alcohol solution of fluid extract of Jamaica dogwood, thiamine hydrochloride, and wild cherry flavoring. The drug was sold by the defendant for use by sufferers of arthritis, rheumatism, and bursitis.

CHARGE: The complaint alleged that the drug "Tri-Wonda" was introduced into interstate commerce, and held for sale after shipment in interstate commerce, by the defendant, with labeling containing false and misleading representations that the drug was effective in the treatment of muscular aches, pains, soreness, stiffness, swellings, bursitis, rheumatism, and arthritis.

The complaint alleged further that the defendant was engaged in distributing, selling, and introducing and delivering for introduction into interstate commerce, the drug "Tri-Wonda" which was misbranded within the meaning of 502(a) of the Act in that its labeling contained false and misleading statements.

The complaint alleged further that the defendant was associating and causing to be associated with the drug "Tri-Wonda," after the drug had been shipped in interstate commerce and while it was held for sale, labeling containing false and misleading statements concerning the drug's therapeutic efficacy; which acts of the defendant resulted in "Tri-Wonda" being misbranded within the meaning of 502(a) of the Act.

It was alleged further that, if the defendant were restrained from using the labeling complained of, she would, unless enjoined, continue to merchandise the "*Tri-Wonda Treatment*" without the use of such labeling. In that case, the "*Tri-Wonda Treatment*" would be misbranded within the meaning of 502(f)(1) of the Act, if it were intended for use in the treatment of muscular