

Division, pursuant to the provisions of 21 U.S.C., § 334. In support of the motion, an affidavit of Lester M. Amster is attached. In this affidavit the affiant deposes that he is president of the claimant corporation and that its principal place of business is 8101 Biscayne Boulevard, Miami, Florida; that claimant does not have or maintain any office within the State of Georgia and that the United States District Court for the Southern District of Florida is within more reasonable proximity to claimant's place of business than is this Court and that a removal of the cause for trial in the United States District Court for the Southern District of Florida at Miami 'would best serve the ends of justice.'

Under Federal Food, Drug and Cosmetic Act provision that, in event of failure of parties to stipulate for removal of condemnation proceeding for trial, a claimant may apply to court of district in which seizure has been made and, absent showing of good cause to contrary, procure order specifying district of 'reasonable proximity' to claimant's principal place of business, such transfer or removal cannot be to district of claimant's principal place of business but only to a 'district of reasonable proximity' thereto. Federal Food, Drug and Cosmetic Act, § 304(a), 21 U.S.C.A. § 334(a).

United States v. United States District Court, 226 F. 2d 238 (3).

"The instant motion to remove the case for trial to the district of claimant's principal place of business is overruled and denied."

Subsequently, the claimant moved that its answer and claim be dismissed. On 7-31-61, the claimant's motion to dismiss its answer and claim was granted and a default decree of condemnation and destruction was entered.

6605. Heatex tablets. (F.D.C. No. 45277. S. No. 31-868 R.)

QUANTITY: 3 drums containing a total of 100,000 tablets at Jackson, Miss.

SHIPPED: 8-12-60, from St. Louis, Mo., by K-V Pharmacal Co.

LABEL IN PART: (Drum) "E. C. White Heatex Tablets Each tablet contains: Ascorbic Acid 100 mg. Sea Salt (Admiral Brand) 5 gr. Dextrose 1 gr."

LIBELED: 12-5-60, S. Dist. Miss.

CHARGE: 502(a)—when shipped, the label of the article contained false and misleading representations that the article was adequate and effective to improve mineral nutrition, correct mineral imbalance, and provide energy.

DISPOSITION: 1-31-61. Consent—claimed by Dumas Milner Corp., Jackson, Miss., and relabeled.

6606. Tuff, Colsil #100, and Sil-kol-oid. (F.D.C. No. 45258. S. Nos. 13-791 R, 13-793/4 R.)

QUANTITY: 32 unlabeled bulk drums containing a total of approximately 4,400 lbs. of a light tan-colored crushed rock, commonly called *tuff*, and 112 7-oz. jars of *Colsil #100*, in possession of the Sil-kol-oid Corp., at Butler, Wis.; and 245 7-oz. jars of *Sil-kol-oid* in possession of the Sil-kol-oid Corp., at Wauwatosa, Wis.

SHIPPED: On 11-25-59, 12-17-59, and on previous unknown dates, from Canon City, Colo., by Lamar Ikeler, as a result of arrangements made by Richard Conn, Inc., Columbus, Ohio.

LABEL IN PART: (Jar) "Colsil #100 * * * consists of 100% Activated Colloidal Tuff * * * Richard Conn Incorporated, 1271 E. Broad St., Columbus 5, Ohio" and "Sil-kol-oid * * * Each rounded teaspoonful contains: Refined Calcined Tuff 60 grs. Magnesium Oxide 2 grs. * * * Control Number: 3001 * * * The Sil-kol-oid Corporation, Milwaukee 13, Wisconsin."