1228. Adulteration and misbranding of prophylactics. U. S. v. 15 Gross and 4½ Gross of Prophylactics. Decrees of destruction. (F. D. C. Nos. 11186, 11253. Sample Nos. 40792–F, 43852–F.)

On November 26 and December 8, 1943, the United States attorneys for the Western District of Missouri and the District of Minnesota filed libels against 15 gross of prophylactics at Kansas City, Mo., and 4½ gross of the same product at Minneapolis, Minn., alleging that the article had been shipped on or about November 11 and 13, 1943, from Chicago, Ill., by F. G. Karg; and charging that it was adulterated and that the lot at Minneapolis was also misbranded. A portion of the article was labeled in part: "Kargston Aquapac."

The article was alleged to be adulterated in that its quality fell below that which it purported or was represented to possess since it contained holes.

The Minneapolis lot was alleged to be misbranded in that the statement on the unit package, "For Protection Against the Communication of Disease," was false and misleading since the article would not be effective as a prophylactic because of the presence of holes.

On January 29 and February 8, 1944, no claimant having appeared, judgments were entered ordering that the product be destroyed.

DRUGS ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS*

DRUGS FOR HUMAN USE

1229. Misbranding of Stumicaid. U. S. v. Vernon F. Hoobler (Hoobler & Hazel Laboratory). Plea of guilty. Fine, $500 and costs. (F. D. C. No. 10626. Sample No. 22078–F.)

On January 18, 1944, the United States attorney for the Northern District of Ohio filed an information against Vernon F. Hoobler, trading as the Hoobler & Hazel Laboratory, Dalton, Ohio, alleging shipment of a quantity of Stumicaid, on or about February 25, 1943, from the State of Ohio into the State of Pennsylvania.

Analysis disclosed that the article consisted of yellowish-white, horny masses, consisting chiefly of organic protein material, with a small amount of plant material, including anise and a laxative drug such as senna.

The article was alleged to be misbranded because of false and misleading statements appearing in its labeling which represented and suggested that it would be efficacious in the cure, mitigation, treatment, or prevention of stomach trouble; that it would help restore the stomach to a normal condition; that it would be efficacious in the treatment of unusual distress, sick stomach, vomiting, and similar conditions indicated by the abbreviation "etc.," gas pains after eating, belching, bloating, heartburn, pimples, nervous stomach, stomach ulcers, too much acid and the effect of over-indulgence, stomach disorders developed over a long period of time, stomach trouble in adults and children, and nervous, jittery, or jumpy stomach; that it was an excellent remedy for most stomach ailments; that it would aid nature in renewing the stomach lining; and that it would be efficacious in the correction of automobile, train, or boat sickness, and cankerous sores of the mouth.

It was alleged to be further misbranded (1) in that the statement on its label, "Contents Pure Organic Elements of Ingluvin and Herbs," was false and misleading since the article did not consist of ingluvin and herbs, but did consist essentially of gizzard linings, anise, and compound senna powder; (2) in that the name "Stumicaid" was false and misleading since the article would not aid the stomach; and (3) in that the label of the article bore no statement of the quantity of the contents.

On March 1, 1944, the defendant having entered a plea of guilty, the court imposed a fine of $500 and costs.

1230. Misbranding of Nulfey Tablets, O. B. C. Capsules, Medrex Ointment, and Medrex Soap. U. S. v. Martin A. Levitt (William A. Reed Co.). Plea of nolo contendere. Fine, $500. (F. D. C. No. 11365. Sample Nos. 22654–F, 22655–F, 22867–F, 44456–F, 44457–F.)

On May 23, 1944, the United States attorney for the Eastern District of Pennsylvania filed an information against Martin A. Levitt, an individual trading as the William A. Reed Co., Philadelphia, Pa., alleging shipment from on or about April 7 to June 30, 1943, from the State of Pennsylvania into the States of New Jersey, Delaware, and New York of quantities of the above-named products.

*See also Nos. 1201–1205, 1207–1212, 1219–1228.