1233. Misbranding of Von Tablets. U. S. v. 240,000 Von Tablets. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 9157. Sample No. 10623–F.)

On January 15, 1943, the United States attorney for the Northern District of California filed a libel against 240,000 tablets, each embossed with the letters "V O N," at San Francisco, Calif., alleging that the article had been shipped on or about December 9, 1942, from Minneapolis, Minn., and that it was in the possession of the San Francisco Von Co.; and charging that it was misbranded. On or about February 5, 1943, an amended libel was filed in clarification of the charges of misbranding.

The article was shipped in 20 drums, more or less, each of which was labeled in part: "12,000 Tablets * * * Manufactured for Geo. Von Neida, St. Paul, Minn.," After shipment, a portion of the article was repacked, on the premises of the San Francisco Von Co., into 100-tablet and 27-tablet size bottles bearing labels reading, in part: "Von's Pink Tablets."

It was also alleged in the libel that a number of booklets entitled, "Von's Pink Tablets Famous for Relief in Obstinate Cases of Gastritis and Ulcers Caused by Gastric Hyper-Acidity San Francisco Von Co. * * * San Francisco, California," were shipped on or about December 19, 1941, by the Riverside Press, Inc., from St. Paul, Minn.; and that the booklets were attached to the article and were distributed to purchasers of the article.

Examination of a sample indicated that each tablet of the article contained essentially 4.6 grains of bismuth subnitrate, 6.5 grains of magnesium oxide, and 5.4 grains of sodium bicarbonate.

The article was alleged to be misbranded in that the statements in the accompanying booklets which represented and suggested that the article, when used as directed, constituted an adequate treatment for gastritis and ulcers caused by gastric hyperacidity were false and misleading since the article did not constitute an adequate treatment for gastritis and ulcers from any cause.

On March 4, 1943, E. W. Downs, San Francisco, Calif., claimant, having filed exceptions to the libel on the ground that it did not state sufficient facts and that it was vague, uncertain, and ambiguous, an order was entered which overruled the exceptions. The claimant then consented to the entry of a decree of condemnation, and on August 23, 1943, judgment was entered condemning the product and ordering its release under bond for relabeling under the supervision of the Food and Drug Administration.

1234. Misbranding of Templeton's Raz-Mah Capsules. U. S. v. 68 Packages of Templeton's Raz-Mah Capsules. Default decree of condemnation and destruction. (F. D. C. No. 11526. Sample No. 49765–F.)

On December 29, 1943, the United States attorney for the Western District of Pennsylvania filed a libel against 68 packages of the above-named product at Erie, Pa., alleging that the article had been shipped on or about November 10, 1943, from Buffalo, N. Y., by Templeton's, Inc.; and charging that it was misbranded.

Examination of a sample of the article disclosed that it consisted essentially of aspirin, 4.12 grains per capsule, and caffeine, 0.69 grain per capsule, together with capsicum, charcoal, and extracts of plant drugs.

The article was alleged to be misbranded in that the statements in its labeling which represented and suggested that it was effective in the treatment or relief of symptoms of hay fever, bronchial irritations, and coughs due to colds or bronchial irritations, and that it was safe and effective in the relief of the symptoms of asthma, were false and misleading since the article was not so effective and was not safe and effective for use by many asthmatics. It was alleged to be further misbranded in that the statement of the active ingredients in the article was not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices on the label) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use, since it had been printed in small-size black type on a dark red background, and was practically illegible.

On January 26, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1235. Misbranding of Holford's Famous Inhalers. U. S. v. 663 Inhalers and 997 Circulars. Default decree of condemnation and destruction. (F. D. C. No. 11613. Sample No. 48272–F.)

On January 18, 1944, the United States attorney for the Northern District of Ohio filed a libel against 663 inhalers and 997 circulars at Cleveland, Ohio, alleging that the inhalers and the circulars had been shipped on or about October 7