

"Heat Sterilized," and "Catgut, USP," or "Catgut Sutures USP," were false and misleading.

Between April 24 and August 15, 1944, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1273. Adulteration of prophylactics. U. S. v. 9 5/12 Gross of Prophylactics. Default decree of destruction. (F. D. C. No. 11969. Sample No. 67035-F.)

On or about March 9, 1944, the United States attorney for the Western District of Missouri filed a libel against 9⁵/₁₂ gross of prophylactics at North Kansas City, Mo., alleging that the article had been shipped on or about February 24, 1944, from San Francisco, Calif., by the Aronab Products Co.; and charging that it was adulterated.

Examination of 60 samples taken from the above-mentioned shipment disclosed that 10, or 16.7 percent, were defective in that they contained holes.

The article was alleged to be adulterated in that its strength and quality fell below that which it purported or was represented to possess since an article containing holes is not suitable for use as a prophylactic.

On April 19, 1944, no claimant having appeared, judgment was entered ordering that the product be destroyed.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS*

DRUGS FOR HUMAN USE

1274. Misbranding of Caladin. Two informations: U. S. v. John P. Michieli (J. P. Michieli). Plea of not guilty to count 1, and plea of guilty to count 2 of both informations. Count 1 of both informations tried to a jury; verdict of guilty. Sentence on count 1 of each information, \$250 and 30 days in jail in the event of nonpayment of fines; count 2, 2 years' probation. (F. D. C. Nos. 7281, 7725. Sample Nos. 63453-E, 94543-E.)

On August 6 and November 16, 1942, the United States attorney for the Northern District of California filed informations against John P. Michieli, trading as J. P. Michieli, San Francisco, Calif. On February 11, 1943, the informations were amended pursuant to a stipulation entered into between the Government and the defendant. It was alleged in the informations that the defendant had shipped, on or about January 12 and May 4, 1942, from the State of California into the States of Oregon and Illinois, quantities of Caladin which was misbranded.

Analysis of a sample disclosed that the article consisted essentially of calcium chloride, hydrochloric acid, a small proportion of iodine, and water.

The article was alleged in count 1 of both informations to be misbranded because of false and misleading statements on the bottle labels which represented and suggested that the article would stimulate an alkaline balance in the blood and tissues, restore the nerves affected to normal working order, give full nerve supply to the ductless glands, organs, and muscles; and that it would effect cures in cases heretofore held incurable, whereas it would not accomplish the results suggested and implied.

Count 1 of one information charged the article to be misbranded further because of false and misleading statements in an accompanying booklet which represented and suggested that the article would raise low blood pressure to normal, and lower high blood pressure to normal; that it would have a better curative effect on the heart than any other treatment medical science could offer; that it would cause repeated alkaline reaction in the blood and tissues; that it would obviate increased heart action by preventing the dissolution of the calcium content in the nerve cells; that it would prevent the infiltration of magnesium oxide into the nerve cells; that it would remove a diseased condition of the heart and restore it to an improved state of health; that it would clean out chemical impediments from the nerve cells, and cause the nerves to supply the organs and ductless glands with the nerve energy necessary to bring their function back to working order; that it would give lasting benefits in medication of the heart, that it would cause the individual suffering from heart trouble to feel stronger; that it would repair the heart; that it would obviate the need of a wheelchair and narcotics in cases of paralysis resulting from arthritis; that the statements on the label and in the booklet with respect to the article were based on sufficient knowledge of medicine and of biological and general chemistry to guard the interest of the physician and patient; that

*See also Nos. 1251, 1253, 1254, 1257-1262, 1265, 1269-1272.