

"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.

the article would reestablish the chemical balance in the blood and tissues of the body; that use of the article was the only effective treatment for high blood pressure; that it would benefit persons suffering from high or low blood pressure within a period of one month or earlier; that the article, in raising low blood pressure and reducing high blood pressure, would not raise low blood pressure above normal nor reduce high blood pressure below normal; that it would cure and prevent slowed-down blood circulation and dropsy; that it was a chemical compound of far-reaching curative merit; that it would improve puny children so that even the school report cards of the children would show higher marks; that the article would cause the magnesium oxide in the nerve cells involved to be dissolved and replaced by calcium, and would restore the conductivity of the nerves; that it would cause to be generated the full amount of insulin necessary to neutralize the excess sugar in the blood; that insulin injections could be reduced safely or discontinued entirely, and the regular diet could be resumed safely by use of the article; that it would be beneficial for use in all cases of convalescence; that it would eliminate the necessity for nature's aid in the cure, mitigation, treatment, or prevention of all organic functional disturbances and all germ-caused diseases; and that it would be efficacious in the cure, mitigation, treatment, or prevention of diseases of the heart and other organic and functional disorders, including arthritis, heart trouble resulting from chemical changes in the nerve cells due to exertion in athletics, enlargement of the heart and damaged heart, arthritis of the spine, paralysis resulting from arthritis, heart disease due to high blood pressure, angina pectoris, diseases of the stomach, liver, and kidneys, slowed-down brain activity, rheumatism, neuritis, menopause, deficient or profuse menstruation, anemia, high and low blood pressure, general debility and weakness of the aged, diabetes, tuberculosis, troubles of the prostate gland, sinus trouble, nervous breakdown, disturbed gland action in puny children, hardening of the arteries, diseases which physicians are unable to diagnose and which do not respond to prescribed treatment, and all organic functional disturbances, and all germ-caused diseases.

The article was alleged in count 2 of both informations to be misbranded further in that its label failed to bear the common or usual names of the active ingredients of the article.

On June 22, 1943, the defendant having entered pleas of not guilty on count 1 and guilty on count 2, and the cases having been consolidated, trial was had before a jury on the issues involved in count 1. On June 29, 1943, the jury returned a verdict of guilty, and on July 1, 1943, the court imposed the following sentences: Count 1, \$250 and 30 days in jail in the event of the nonpayment of the fine; count 2, probation for a period of 2 years.

1275. Misbranding of Sinu-Vita Emulsion, Sinu-Vita No. 1, Sinu-Vita Inhalant, and Sinu-Vita No. 2. U. S. v. Herman D. Seekamp (Sinu-Vita Co.). Plea of nolo contendere. Fine, \$100. (F. D. C. No. 11389. Sample Nos. 32017-F to 32020-F, incl.)

On May 15, 1944, the United States attorney for the Eastern District of Missouri filed an information against Herman D. Seekamp, trading as the Sinu-Vita Co., St. Louis, Mo., alleging shipment of a quantity of the above-named products on or about February 19, 1943, from the State of Missouri into the State of Indiana.

Analysis of a sample of the Sinu-Vita Emulsion showed that it consisted of a dark brown, turbid liquid containing water, unidentified dextrans and sugars, small amounts of volatile oils including peppermint and eucalyptus, and wood creosote. The article was alleged to be misbranded (1) because of false and misleading statements on its label which represented and suggested that it would be efficacious in the cure and treatment of pneumonia, flu, and similar conditions, germ diseases, whooping cough, deep-seated coughs, tuberculosis, bronchitis, sore throat, and malaria; and (2) because of false and misleading statements in blue and buff circulars accompanying the article which represented and suggested that, when used alone or in conjunction with "Sinu-Vita Inhalant," it would be efficacious in the treatment and prevention of pneumonia, tuberculosis, and bronchitis, infection of the lungs or other area, head colds, cuts, burns, dark circles under the eyes, sunken cheeks, sallow complexion, rose and hay fever, tuberculosis of the throat and bones, large red blotches on the legs, tuberculous blotches, difficult breathing, daily elevation of temperature, lost strength, lost weight, pulmonary tuberculosis, and sinus infection; and that it would be efficacious to destroy tubercle bacilli; and to cause the diseased tissue to separate from the healthy tissue so that it could be coughed up and cause the lung to heal.

Analysis of the Sinu-Vita No. 1 showed that it consisted of a green, clear liquid containing, chiefly, unidentified saponifiable fixed oil and small amounts of pepper-