recognized in the United States Pharmacopoeia, an official compendium, but its quality and purity fell below the standard set forth therein since it was not sterile but was contaminated with living micro-organisms; and its difference in quality and purity from the official standard was not plainly stated on its label.

The article was alleged to be misbranded in that its label failed to bear an accurate statement of the quantity of contents in terms of numerical count.

On May 1, 1945, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be sold, on condition that the packages be stamped "Not sterilized and not to be used on open wounds or as a surgical dressing," and that the product was not to be resold by the purchaser.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS *

DRUGS FOR HUMAN USE**

1377. Misbranding of Ray-D Tablets. U. S. v. Nion Corporation. Plea of nolo contendere. Fine, $250. (F. D. C. No. 9672. Sample No. 64965–E.)

On December 1, 1943, the grand jurors for the Southern District of California returned an indictment against the Nion Corporation, Los Angeles, Calif., alleging shipment of a quantity of the above-named article from the State of California into the State of New York between the approximate dates of February 11 and 19, 1942.

Analysis disclosed that the article contained, per tablet, 10 International Units of vitamin B_1, 23 micrograms of riboflavin, and not more than 250 U. S. P. units of vitamin D.

The article was alleged to be misbranded in that certain statements in an accompanying circular were misleading since they represented and implied that the article would be efficacious in the cure, mitigation, treatment, or prevention of impairment of the digestive function, reduction of the motility of the bowel muscle, faulty elimination, malnutrition, and failure to gain weight resulting from lack of vitamin D and the members of the vitamin B complex; that the conditions referred to frequently result from lack of those vitamins; and that the reader might reasonably expect correction and relief from those conditions by use of the product. The article contained inconsequential amounts of vitamin D and the members of the vitamin B complex. The diseases and ailments named usually result from causes other than lack of vitamin D and the members of the vitamin B complex, and a product containing those vitamins would not ordinarily correct and relieve such conditions.

On October 17, 1944, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $250.

1378. Misbranding of Macu Brand Papaya Concentrate. U. S. v. Macu Fruit Products. Motion to quash denied. Plea of guilty. Fine, $200 and costs. (F. D. C. No. 10602. Sample No. 43991–F.)

On February 9, 1944, the United States attorney for the Northern District of Illinois filed an information against Macu Food Products, a corporation, Chicago, Ill., alleging shipment of a quantity of Papaya Concentrate on or about April 17, 1943, from the State of Illinois into the State of Missouri. The article was labeled in part: "Macu Brand Papaya Concentrate."

The article was alleged to be misbranded in that certain statements in an accompanying circular were false and misleading. It was also alleged to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods, No. 7921, in which are set forth the results of analysis, and in which are indicated the nature of the false and misleading statements referred to above.

On June 12, 1944, the court entered an order overruling the defendant's motion to quash the information. Thereafter, a plea of guilty was entered on behalf of the defendant, and on November 6, 1944, the court imposed a fine of $200 and costs.

1379. Misbranding of Colon-ease Herb Tea, Sapomin, Bulko, and Soothenklean. U. S. v. Louis L. Sherman, M. D. (The Layman's Academy of Health). Plea of nolo contendere. Fine, $40. (F. D. C. No. 11434. Sample No. 42890–F.)

On July 27, 1944, the United States attorney for the Northern District of California filed an information against Louis L. Sherman, M. D., trading as the Lay-

*See also Nos. 1351–1360, 1363, 1365–1367, 1369, 1373.
**See also No. 1397.