DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS*

DRUGS FOR HUMAN USE

2220. Adulteration and misbranding of Lactobacillus acidophilus culture. U. S. v. Kovac Laboratories, Inc., and Hugh H. von Kleist. Pleas of nolo contendere. Fines of $150 against the corporation and $300 against the individual. (F. D. C. No. 23275. Sample Nos. 59460–H, 59462–H, 59463–H.)

INFORMATION FILED: July 21, 1947, Southern District of California, against Kovac Laboratories, Inc., Los Angeles, Calif., and Hugh H. von Kleist, president of the corporation.

ALLEGED SHIPMENT: On or about July 20 and 29 and August 16, 1946, from the State of California into the State of Washington.

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statement "Culture Lactobacillus Acidophilus A condensed culture" was false and misleading since it represented and suggested that the article contained significant numbers of *Bacillus acidophilus* organisms, whereas it did not contain significant numbers of *Bacillus acidophilus* organisms, but did contain large numbers of streptococci.

DISPOSITION: August 11, 1947. Pleas of nolo contendere having been entered, the court imposed fines of $150 against the corporation and $300 against the individual.

2221. Misbranding of Laken's 9 Drops Capsules and Liquid. U. S. v. Harry Laken (Marshall Drug Co.). Plea of nolo contendere. Fine, $400. (F. D. C. No. 20202. Sample Nos. 4771–H, 4888–H.)

INFORMATION FILED: December 10, 1946, Eastern District of Pennsylvania, against Harry Laken, trading as the Marshall Drug Co., Philadelphia, Pa.

ALLEGED SHIPMENT: On or about September 5 and October 26, 1945, from the State of Pennsylvania into the State of New Jersey.

PRODUCT: Analysis disclosed that the *capsules* contained a mixture consisting essentially of aspirin, acetophenetidin, and caffeine, and that the *liquid* consisted essentially of a water solution of sodium, salicylate, potassium, iodide, and traces of alkaloids.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements and the design of a man in pain appearing in circulars entitled "Facts Everyone Should Know About," enclosed with the articles, were false and misleading since they represented and suggested that the articles when used alone or in conjunction with each other would be effective in the treatment of rheumatism, arthritis, backache, swollen joints, lumbago, neuritis, rheumatic pains, and stiff joints; that the *liquid* would be effective as an analgesic to get at the main cause of so-called rheumatism; and that the *capsules* would be effective in the treatment of suffering and discomfort associated with common colds. The articles would not be effective for such purposes.

Further misbranding, Section 502 (b) (2), the bottles containing the *liquid* bore no label containing a statement of the quantity of the contents.

DISPOSITION: June 17, 1947. A plea of nolo contendere having been entered, the court imposed a fine of $400.

2222. Misbranding of Luebert's Iron Tonic Tablets. U. S. v. A. Gustave Luebert. Plea of nolo contendere. Fine, $50. (F. D. C. No. 23215. Sample No. 4640–H.)

INFORMATION FILED: August 12, 1947, Eastern District of Pennsylvania, against A. Gustave Luebert, Coatesville, Pa.

ALLEGED SHIPMENT: On or about February 23, 1946, from the State of Pennsylvania into the State of Delaware.

PRODUCT: Analysis disclosed that each tablet of the product contained approximately 1 grain of ferrous carbonate with manganese, a phosphide, and a laxative plant drug.

LABEL, IN PART: "Luebert's (Nox 'em Brand) Iron Tonic Compound Tablets."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label of the article and in a circular entitled "Luebert's Remedies," shipped

*See also Nos. 2202, 2205, 2206, 2211, 2213–2219.