PRODUCT: *Procaine hydrochloride ampuls.* 19 crates, each containing 325 boxes and each box containing 10 ampuls, at New Orleans, La. Visual examination of the ampuls disclosed that in 33 ampuls out of 60 examined, crystals of the material were sticking to the walls of the ampul and could not be dislodged. Thus, when the top of the ampul was filed off, varying percentages of the procaine hydrochloride would be lost.

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statement "Each Ampule Contains: Sterile Procaine HCl 120 mgm." was false and misleading as applied to the article since, when opened and used in the customary manner, a portion of the procaine hydrochloride would adhere to the necks of the ampuls and the quantity delivered would be substantially less than 120 milligrams.

Further misbranding, Section 502 (g), the article purported to be "Sterile Procaine Hydrochloride," a drug the name of which is recognized in the United States Pharmacopeia, an official compendium, and the article was not labeled as prescribed therein since the lot number was not stated on the label of each container.

The article was misbranded in the above respects while held for sale after shipment in interstate commerce.

DISPOSITION: May 5, 1954. Default decree of condemnation and destruction.

4395. Misbranding of apple juice concentrate and chlorophyll formula. U. S. v. 83 Bottles, etc. (F. D. C. No. 36168. Sample Nos. 62671-L, 62672-L.)

LIBEL FILED: December 2, 1953, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about July 15, 1953, by El Rancho Adolphus Products, Inc., from Scranton, Pa.

PRODUCT: 83 1-quart bottles of *apple juice concentrate* and 10 16-ounce bottles and 10 8-ounce bottles of *chlorophyll formula* at St. Louis, Mo., together with a number of leaflets designated "Adolphus Hohensee Gall Stone And Kidney Stone Diet No. 5" and a number of booklets designated "Chlorophyll Therapy By Dr. T. M. Rudolph, Ph. D."

LABEL, IN PART: (Bottle) "El Rancho Adolphus Brand Pure Apple Juice Concentrate Made from Selected Apples Dilute with water, 4 parts to 1 of concentrate. * * * Distributed by * * * El Rancho Adolphus Products, Inc. Hohensee Park, Jermyn, Pa." and "El Rancho Adolphus * * * Chlorophyll Formula Highly purified water-soluble chlorophyll (Sodium Magnesium Chlorophyllin). Concentration 0.2 percent in saline (sodium chloride) solution."

NATURE OF CHARGE: *Apple juice concentrate.* Misbranding, Section 502 (a), certain statements in the above-mentioned leaflets accompanying the article were false and misleading. The statements represented and suggested that the article was effective in the treatment of gallstones and kidney stones. The article was not effective in the treatment of such conditions.

Chlorophyll formula. Misbranding, Section 502 (a), certain statements in the above-mentioned booklets accompanying the article were false and misleading. The statements represented and suggested that the article was effective in the treatment of high blood pressure, anemia, disturbances of the stomach and intestinal lining, oral infections, chronic osteomyelitis, varicose ulcers, sinusitis, hay fever, rhinitis, otitis media, otitis externa, Vincent's angina, pyorrhea, gingivitis, tonsillitis, laryngitis, pharyngitis, peptic ulcer, gastritis, enteritis, colitis, vaginitis, trichomonas vaginalis, leucorrhea,

cervical ulcer, diseases of the urinary bladder, pruritus ani, hemorrhoids, hardening of the arteries, and arthritis. The article was not effective in the treatment of such conditions.

DISPOSITION: February 10, 1954. Nutrition Center, Inc., St. Louis, Mo., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the bottles of *apple juice concentrate* and *chlorophyll formula* be released to the claimant for the purpose of selling such articles and that the leaflets and the booklets be held by the Department of Health, Education, and Welfare.

The decree provided also that the *apple juice concentrate* and the *chlorophyll formula* should not be sold with any other leaflets or booklets identical to, or similar to, those which were seized; and that none of the products should be disposed of by the claimant until the Department of Health, Education, and Welfare, or the United States attorney, should have had further access thereto in order to take any samples or make any tests deemed necessary and have released such products for sale or other disposition.

4396. Misbranding of Hercules Tonic Tea No. 5 and Hercules Regulator Laxative and Diuretic Tea. U. S. v. 207 Packages, etc. (F. D. C. No. 36366. Sample Nos. 71766–L, 71767–L.)

LIBEL FILED: January 29, 1954, Northern District of Indiana.

ALLEGED SHIPMENT: On or about October 21, 1953, from Jersey City, N. J.

PRODUCT: 207 packages of *Hercules Tonic Tea No. 5* and 201 packages of *Hercules Regulator Laxative and Diuretic Tea* at Michigan City, Ind., in possession of the Hercules Tea Co., together with a number of booklets entitled "Read And Save This Valuable Booklet Hercules Tea Co."

RESULTS OF INVESTIGATION: The shipment described above was a bulk shipment, and upon its receipt by the consignee, was repackaged and relabeled. The above-mentioned booklets were printed for the consignee and were distributed to customers and prospective customers.

LABEL, IN PART: (Package) "Hercules Tonic Tea No. 5 * * * 3 Ozs. * * * Formula Linden Flowers Chamomile Juniper Fennel Pale Rose Buds Elder Flowers Senna * * * Best Investment For Your Health It may do wonder for you—make you feel, eat, sleep, work and enjoy better life" and "Hercules Regulator Laxative and Diuretic Tea 3 Ozs. * * * Formula: — Elder, Anise, Fennel, Chamomile, Rose Buds, and Senna. Acts as a laxative and to increase the flow of Urine."

NATURE OF CHARGE: *Hercules Tonic Tea No 5.* Misbranding, Section 502 (a), certain statements on the label of the article and in the above-mentioned booklet accompanying the article were false and misleading. The statements represented and suggested that the article was an adequate and effective treatment for enabling one to feel, eat, sleep, work, and enjoy better life; and for invalidism, rundown condition, providing internal health, strengthening the system, unbalanced nerves, impaired digestion, unbalanced nervous temperament, impaired condition of physical energy, restoring red blood cells, sluggish kidneys, backache, dizziness, headache, loss of pep, nervousness, rheumatic pains, providing an antiseptic to the urine, and preventing anemia, nervous breakdown, rheumatism, liver and kidney troubles, ulcers, Bright's disease, diabetes, and gallstones. The article was not an adequate and effective treatment for such conditions and purposes.