DISPOSITION: 12–30–54. Consent—claimed by Schieffelin & Co. Segregated, 433 lbs. denatured.

DRUGS ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS

4773. Phenobarbital tablets, aspirin-phenobarbital tablets, and Obes-Ebb tablets. (F. D. C. No. 36678. S. Nos. 46–054 L, 46–062/3 L, 84–289 L.)

INFORMATION FILED: 1–13–55, S. Dist. N. Y., against Nyrope, Inc., New York, N. Y.

SHIPPED: Between 11–2–53 and 1–12–54, from New York to Massachusetts and Pennsylvania.

LABEL IN PART: (Btl.) "Tablets Phenobarbital ¼ [or "½"] grain," "Aspirin-Phenobarbital Tablets Each tablet contains * * * Phenobarbital . . . ¼ grain," and "No. 3 Tablets Obes-Ebb Each tablet contains: Amphetamine Sulphate 5 mgm."

CHARGE: 501 (c)—the strength of the articles when shipped differed from that which they purported or were represented to possess in that the *phenobarbital tablets* and the *aspirin-phenobarbital tablets* contained less phenobarbital and the *Obes-Ebb tablets* contained less amphetamine sulfate than declared on the label.

PLEA: Guilty.

DISPOSITION: 5–25–55. $500 fine.

4774. Rauwolfia serpentina (powder & tablets). (F. D. C. No. 37622. S. No. 5–484 M.)

QUANTITY: 1 drum containing 32 lbs. of powder, 175,000 tablets, each containing 100 mg. of powder, and 140,000 tablets, each containing 50 mg. of powder.

SHIPPED: 7–27–54, from New York, N. Y., by Prentiss Drug & Chemical Co.

LABEL IN PART: (Drum) "R. S. Root."

RESULTS OF INVESTIGATION: The article was invoiced as "Whole Rauwolfia Serpentina Root" and, after receipt by the consignee, it was dried and ground into a powder. A portion of the powder was used in the manufacture of tablets intended to be labeled in part "Each tablet contains Rauwolfia serpentina."

LIBELED: 1–25–55, E. Dist. Mich.

CHARGE: 501 (d) (2)—the article was represented as *Rauwolfia serpentina*, and a substance other than *Rauwolfia serpentina* had been substituted in whole or in part for the article when shipped; and 502 (i) (3)—the article was not *Rauwolfia serpentina*, and it was offered for sale under the name of another drug, namely *Rauwolfia serpentina*.

DISPOSITION: 3–31–55. Default—destruction.

4775. C-Tone. (F. D. C. No. 35362. S. No. 51–780 L.)

QUANTITY: 20 cartons, 12 8-oz. btls. each, at New York, N. Y.

SHIPPED: 6–22–53 and 6–24–53, from Englewood Cliffs, N. J., by Kegan Laboratories, Inc., through Byrne Products, Inc.

LABEL IN PART: (Btl.) "Rich in Activated Enzymes C-Tone The Natural Vitamin C Tonic * * * Four tablespoons furnish: *Natural* Vitamin C . . . 250 mg. MDR 8 * * * *Natural* Niacin . . . 0.08 mg. * * * Sole and Exclusive Distributors Byrne Products, Inc. New York 7, N. Y."

ACCOMPANYING LABELING: Leaflets entitled "Which of These Dread Killers Threaten Your Advancing Years?" and display placards reading, in part, "Which Of These Conditions Threaten Your Advancing Years?" and "For That Pep of Health Natural C-Tone."

RESULTS OF INVESTIGATION: The leaflets and the placards described above had been printed by a New York firm for the distributor.

Analysis showed that the article contained less than 150 milligrams of vitamin C and less than 0.04 milligram of niacin per four tablespoons.

LIBELED: 7–27–53, S. Dist. N. Y.

CHARGE: 501 (c)—the strength of the article when shipped differed from that which it purported and was represented to possess; and 502 (a)—the label statement "Four tablespoons furnish: *Natural* Vitamin C _____ 250 mg. * * * *Natural* Niacin _____ 0.08 mg." was false and misleading; the label statements "Rich in Activated Enzymes" and "Vitamin C Tonic" were false and misleading since they represented and suggested that the article was of nutritional and therapeutic value because of its enzyme content and was effective as a tonic, whereas it was not of such value because of its enzyme content and was not effective as a tonic; and the labeling of the article also contained false and misleading representations that the article was an adequate and effective treatment for high blood pressure, hardening of the arteries, ulcerative colitis, fading strength, nervous exhaustion, failing memory, cerebral rupture, valvular disease of the heart, pulmonary tuberculosis, general weakness, fatigue, headaches, and dizzy spells, and was effective to provide energy and improve digestion.

DISPOSITION: Byrne Products, Inc., New York, N. Y., claimants, filed an answer denying that the article was adulterated or misbranded as alleged. Thereafter, the Government served interrogatories upon the claimant which were not answered; and, on 9–12–55, the court entered a default decree condemning the article and ordering its destruction.

4776. Chocolated Cokozole. (F. D. C. No. 37805. S. No. 5–869 M.)

QUANTITY: 94 1-pint btls, at Cincinnati, Ohio.

SHIPPED: Between the years 1943 and 1950, from New York, N. Y.

RESULTS OF INVESTIGATION: Analysis showed that the article contained less than 50 percent of the declared amount of vitamin B_1 (thiamine hydrochloride).

LIBELED: 3–7–55, S. Dist. Ohio.

CHARGE: 501 (c)—the strength of the article while held for sale differed from that which it purported and was represented to possess, namely, 10 milligrams of vitamin B_1; and 502 (a)—the label statement "Contains in One Fluid Ounce: * * * Thiamin Hydrochloride 10 Mg." was false and misleading.

DISPOSITION: 4–7–55. Default—destruction.