

ment should be stopped. Should a temperature of 100° F. persist for at least 24 hours, or in case of hemorrhage, the outside complicating factor causing this condition must at once be determined and treated accordingly. A temporary rise in temperature during paste treatment is no sign of danger. 5. In those rare cases where the first paste treatment fails to produce results, it may be repeated a week later provided there is no bleeding. 6. For cases up to and including six weeks of gestation the use of the modified strength of Leunbach' Paste (identified as package 'M') is suggested in an average dose of 15 Gms. 7. Spontaneous, and incomplete, as well as infected cases should be treated with a dose not exceeding 5 Gms. per month of gestation, up to a maximum of 25 Gms., injecting with but the slightest pressure. At term, Leunbach' Paste is contraindicated in the presence of placenta praevia and premature separation of placenta"; and (leaflet in both complete outfit and refill tube of lot seized at Los Angeles) "In those rare cases where the first paste treatment fails to produce results, it may be repeated a week later provided there is no bleeding. * * * For cases up to and including six weeks of gestation the use of the modified strength of Leunbach' Paste is suggested in an average dose of 15 Gms."

On October 7, 1940, no claimant having appeared for the lot seized at Atlanta, Ga., judgment of condemnation was entered and the product was ordered destroyed. On October 10, 1940, the decree was set aside, but on October 18, 1940, an order was entered reinstating the original judgment of condemnation and destruction.

Merz & Co. Chemical Works, Inc., appeared as claimant in the remaining seizures and filed answers denying the allegations of the libels. On March 24, 1941, the claimant filed a petition in the District Court for the District of Columbia praying removal of the case in that district and all other pending cases to the Eastern District of Pennsylvania for consolidation and trial. On March 25, 1941, an order was entered in the District Court for the District of Columbia in accordance with said prayer and the clerks of the various district courts were ordered to transmit to the Eastern District of Pennsylvania all records and papers in the proceedings pending in their respective jurisdictions.

On December 9, 1941, the answers filed by the claimant having been withdrawn by the receiver of the claimant corporation, which had filed a voluntary petition in bankruptcy, judgment of condemnation was entered and the products were ordered delivered to the Food and Drug Administration for its official use.

608. Misbranding of Leunbach' Paste. U. S. v. 1 Leunbach' Paste, Complete Outfit; and 7 Packages of Leunbach' Paste Refill Tube. Default decree of condemnation and destruction. (F. D. C. No. 7340. Sample No. 91220-E.)

On April 30, 1942, the United States attorney for the Northern District of Illinois filed a libel against the above-named drugs at Chicago, Ill., alleging that the articles had been shipped in interstate commerce on or about January 25, 1942, by the Doctors Pharmacy from Milwaukee, Wis.; and charging that they were misbranded. The articles were labeled in part: "Leunbach' Paste Complete Outfit"; or "Leunbach' Paste Refill Tube * * * Made in U. S. A. By Merz & Company Chemical Works, Inc., Newark, New Jersey."

The articles were alleged to be misbranded in that they were dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in the labeling. (The labeling accompanying the articles consisted of the circular and leaflet quoted in full in D. D. N. J. No. 607.)

On June 10, 1942, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS

609. Adulteration and misbranding of Virgitalis, Rua-Balm, and Theobarb. U. S. v. Van Pelt & Brown, Inc. Plea of nolo contendere to first and second counts. Plea of guilty to remaining four counts. Total fines, \$300. (F. D. C. No. 4170. Sample Nos. 50070-E, 50095-E, 50129-E, 50130-E.)

The Virgitalis possessed a potency of approximately one-third of that declared. The Rua-Balm contained less alcohol than the amount declared and its labeling failed to bear such adequate warnings as are necessary for the protection of users. The Theobarb Tablets contained less phenobarbital than the amount declared.

On September 19, 1941, the United States attorney for the Eastern District of Virginia filed an information against Van Pelt & Brown, Inc., Richmond, Va., alleging shipment on or about September 12 and 21, 1940, and January 9, 1941,