

On July 22, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against the above-named product at Pittsburgh, Pa., alleging that the article had been shipped on or about October 28, 1940, by the Vinco Herb Co. from Dayton, Ohio; and charging that it was misbranded.

Analysis showed that the article consisted essentially of aloe and extracts of plant drugs including capsicum and an emodin-bearing drug. The tablets in the small packages occupied 26 percent of their capacity and the tablets in the large packages occupied 42½ percent of their capacity.

The article in both sized packages was alleged to be misbranded (1) in that the labeling failed to bear adequate directions for use since the directions provided for taking the tablets over a period of 10 days, whereas a laxative should be taken only occasionally; (2) in that the labeling failed to bear adequate warnings against use by young children where its use might be dangerous to health or against unsafe dosage or duration of administration as are necessary for the protection of users since the product was essentially a laxative and there was no warning that frequent or continued use might result in dependence on laxatives; (3) in that statements in the labeling representing that it was an appropriate treatment for coated tongue, flatulence, sour stomach, simple headache, acid indigestion, listlessness, lazy feeling, bad breath, sluggishness, dull eyes, and sallow skin and that it would make life happy and enjoyable and would provide a clean, healthy condition of the mind and body, were false and misleading since it was a laxative and the various disease conditions for which it was recommended may be due to causes other than constipation; and (4) in that its containers were so made, formed, or filled as to be misleading.

The product in the small packages was alleged to be misbranded further (1) in that the name and address of the manufacturer, the declaration of the quantity of the contents, and the statement of the ingredients required by or under authority of law to appear on the labeling were not placed on the label with such conspicuousness and in such terms as to make them likely to be read by the ordinary individual under customary conditions of purchase and use since all these statements appeared on the bottom of the box; and (2) in that certain statements appeared in several foreign languages upon the box and certain statements and other information required by or under authority of law did not appear on the box in these foreign languages.

On August 22, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

C20. Misbranding of quinine sulfate. U. S. v. 1,056 Bottles of Quinine Sulfate. Default decree of condemnation and destruction. (F. D. C. No. 4398. Sample No. 50227-E.)

The labeling of this product failed to bear adequate directions for use, and its containers were filled only to approximately one-half of their capacity.

On April 19, 1941, the United States attorney for the Eastern District of Virginia filed a libel against 1,056 bottles of quinine sulfate at Richmond, Va., alleging that the article had been shipped in interstate commerce on or about March 29, 1941, by the Carroll Chemical Corporation from Baltimore, Md.; and charging that it was misbranded. It was labeled in part: "National Brand Quinine Sulphate * * * ¼ Oz."

The article was alleged to be misbranded in that the labeling did not bear adequate directions for use; and in that its container was so made, formed, or filled as to be misleading.

On October 17, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS ACTIONABLE BECAUSE OF FAILURE TO COMPLY WITH OFFICIAL OR OWN STANDARDS

621. Adulteration and misbranding of Russian oil and citrate of magnesia. U. S. v. James J. Kaplan (Diamond Drug & Magnesia Co.). Plea of guilty. Fine, \$30. (F. D. C. No. 2841. Sample Nos. S7090-D, 2247-E, 2261-E.)

The mineral oil was represented to be U. S. P. mineral oil, i. e., heavy mineral oil; whereas it was light mineral oil. The citrate of magnesia contained less magnesium citrate and less citric acid than the amounts specified by the United States Pharmacopoeia.

On October 28, 1940, the United States attorney for the District of Massachusetts filed an information against James J. Kaplan, trading as the Diamond