

3984. Misbranding of Sulfonamides Triplex tablets and sulfathiazole tablets. U. S. v. William A. Walker (Fourth Street Drug Store and Palace Drug Store), and Aaron E. Henry and Frank H. Hudson, Jr. Pleas of nolo contendere. Fine of \$50 against each defendant. (F. D. C. No. 34303. Sample Nos. 46515-L to 46517-L, incl., 46524-L to 46526-L, incl.)

INFORMATION FILED: On or about January 2, 1953, Northern District of Mississippi, against William A. Walker, trading as the Fourth Street Drug Store and the Palace Drug Store, Clarksdale, Miss., and against Aaron E. Henry, pharmacist and manager of the Fourth Street Drug Store, and Frank H. Hudson, Jr., a pharmacist of the Palace Drug Store.

NATURE OF CHARGE: On or about June 18, 19, and 20, 1952, while a number of *Sulfonamides Triplex tablets* and *sulfathiazole tablets* were being held for sale at the Fourth Street Drug Store and a number of *sulfathiazole tablets* were being held for sale at the Palace Drug Store, after shipment in interstate commerce, various quantities of the drugs were dispensed without a prescription from a practitioner licensed by law to administer such drugs. William A. Walker was charged with causing the act of dispensing in each of the six counts of the information, Frank H. Hudson, Jr., was joined as a defendant in two of the counts, and Aaron E. Henry was joined as a defendant in one count. Such acts of dispensing were contrary to the provisions of Section 503 (b) (1) and resulted in the dispensed drugs being misbranded.

DISPOSITION: March 25, 1953. Pleas of nolo contendere having been entered by each of the defendants, the court fined each defendant \$50.

DRUG IN VIOLATION OF PRESCRIPTION LABELING REQUIREMENTS

3985. Adulteration and misbranding of first aid kits. U. S. v. 58 First Aid Kits * * *. (F. D. C. No. 34093. Sample No. 14049-L.)

LIBEL FILED: November 5, 1952, District of Colorado.

ALLEGED SHIPMENT: On or about September 5, 1952, by Industrial Drug Supplies, Inc., from New York, N. Y.

PRODUCT: 58 *first aid kits*, one of the components of which consisted of a box containing 24 *sulfadiazine tablets* in a cellophane envelope, at Denver, Colo. Analysis showed that the *sulfadiazine tablets* contained approximately $\frac{1}{2}$ gram of sulfadiazine.

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the *sulfadiazine tablets* differed from that which they were represented to possess, namely, 1.0 gram of sulfadiazine per tablet.

Misbranding, Section 502 (a), the label statement "Sulfadiazine Tablets 1.0 Gm." was false and misleading as applied to tablets containing $\frac{1}{2}$ gram of sulfadiazine, and the label statement "take the contents of one envelope (4 tablets)" was false and misleading since the one envelope in the box contained 24 tablets. Further misbranding, Section 503 (b) (4), the tablets were a drug intended for use by man which, because of toxicity and other potentiality for harmful effect and method of use and the collateral measures necessary to their use, were not safe for use except under the supervision of a practitioner licensed by law to administer the drug, and the label of the tablets failed to bear the statement "Caution: Federal law prohibits dispensing without prescription."

DISPOSITION: January 2, 1953. Default decree of condemnation. The court ordered that the *sulfadiazine tablets* be removed from the first aid kits and be destroyed and that the first aid kits be delivered to a Federal institution.

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

3986. Misbranding of Celluids. U. S. v. 100 Packages, etc. (F. D. C. No. 34157. Sample Nos. 40669-L, 41251-L to 41253-L, incl., 41255-L to 41257-L, incl., 41259-L to 41262-L, incl., 41264-L.)

LIBEL FILED: On or about December 2, 1952, Western District of Washington.

ALLEGED SHIPMENT: On various dates between March 1 and September 1, 1952, by George Collingwood, from Denver, Colo., and Long Beach, Calif.

PRODUCT: 100 packages of assorted drugs at Seattle, Wash. These drugs were designated generally as *Celluids* and consisted of individual items labeled as described below. The drugs were accompanied by labeling consisting of leaflets entitled "Bio-Chemistry" and "A Few Facts Worth Knowing" and books entitled "The Study of Bio-Chemistry Fourth Edition by George Collingwood, D. C., N. D., B. C. D. Denver, Colorado" and "Bio-Chemistry or the Business of Living * * * by George H. Collingwood, B. C., N. D., D. C. * * * Denver, Colorado."

LABEL, IN PART: (Packages) "Celluids * * * George Collingwood, D. C., N. D. Denver"; (individual items) "Homeopathic Product Potassium Phosphate * * * No. 6," "Calcium Fluoride * * * No. 1 * * * 12-X," [or "Calcium Phosphate * * * No. 2 * * * 6-X," "Calcium Sulphate * * * No. 3 * * * 6-X," "Potassium Chloride No. 5 * * * 6-X," "Potassium Sulphate * * * No. 7 * * * 6-X," "Sodium Chloride * * * No. 9 * * * 6-X," "Sodium Phosphate * * * No. 10 * * * 6-X," "Sodium Sulphate * * * No. 11 * * * 6-X," "Silicea Silica No. 12 * * * 12-X"] * * * Homeopathic Product" and "Bioplasma Ratio of 9 to 1 6-X * * * Combination of the following twelve minerals homeopathically prepared * * * Equal parts of each: Calcium Phosphate Potassium Chlorid Calcium Fluorid Potassium Phosphate Calcium Sulfate Potassium Sulfate Iron Phosphate Sodium Chlorid Magnesium Phosphate Sodium Phosphate Silica Sodium Sulfate (Added 50 units Vitamin B₁ to each tablet)."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the above-mentioned leaflets and books accompanying the articles were false and misleading since the articles were not an adequate and effective preventive and treatment for the conditions and purposes stated and implied and were not capable of fulfilling the promises of benefit made for them. The statements represented and suggested:

That the *calcium fluoride* was an adequate and effective treatment for soft flabby muscles, broken-down elastic fiber, enlarged heart, heart leakage, floating kidney, rupture, appendicitis, varicose veins, tumors, hardening of the arteries, hard knots on the mother's breast, hard tumors, high blood pressure, abscess, asthma, tired back, inability of the uterus to expel the fetus, corns, bunions, all hard and soft swellings, cough, diphtheria, gout, hard or soft glands, piles, pus, syphilis, diseased spine, vein enlargements, paralysis, and bladder and kidney stones;