

properties implied in the name "Pep-A-Man"; whereas it did not possess such properties.

On April 21, 1941, the defendant entered a plea of guilty and the court imposed a fine of \$100 and placed the defendant on probation for 3 years.

427. Misbranding of Hillman's D Compound. U. S. v. David Hillman (Hillman Pharmaceutical Co.). Plea of guilty. Fine, \$1 and costs. (F. D. C. No. 2866. Sample No. 4610-E.)

On November 15, 1940, the United States attorney for the Northern District of Illinois filed an information against David Hillman, trading as Hillman Pharmaceutical Co., Chicago, Ill., alleging shipment on or about February 5, 1940, from the State of Illinois into the State of Wisconsin of a quantity of Hillman's D Compound which was misbranded.

Analysis of a sample of the article showed that the capsules each contained aminopyrine (1.44 grains), a small proportion of ephedrine sulfate, and milk sugar, flavored with peppermint oil.

The article was alleged to be misbranded (1) in that it would be dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in the labeling; (2) in that its labeling did not bear adequate directions for use; (3) it did not bear adequate warnings against unsafe dosage or methods or duration of administration in such manner and form as are necessary for the protection of users. It was alleged to be misbranded further in that the labeling was false and misleading since it created the impression that the article constituted a safe and appropriate treatment for the conditions mentioned in the labeling; whereas it did not constitute a safe and appropriate treatment for the conditions mentioned in the labeling, but was a dangerous drug, and the labeling failed to reveal the material fact that this drug might cause serious blood disturbances. It was alleged to be misbranded further in that statements in the labeling representing that it would be efficacious in the treatment of dysmenorrhea (painful menstruation), would be efficacious in the treatment of cramps, backache, and headache which accompany menstruation, and would banish painful menstruation, were false and misleading since it would not be efficacious for such purposes.

On December 18, 1940, the defendant entered a plea of guilty and the court imposed a fine of \$1 and costs.

428. Misbranding of Young's Preparation. U. S. v. Oscar Lee Brunson. Plea of guilty. Defendant placed on probation for 3 years. (F. D. C. No. 2931. Sample Nos. 537-E, 20701-E.)

This product would be dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in the labeling, in which it was recommended for the relief of itching skin and scalp and which contained directions that it should be well shaken and applied to afflicted parts two or three times a day; that if the parts were raw, it should be diluted with water until it could be used full strength and that it was natural for the drug to sting when first applied.

On March 11, 1941, the United States attorney for the Southern District of Georgia filed an information against Oscar Lee Brunson of Waycross, Ga., alleging shipment on or about March 4 and May 31, 1940, from the State of Georgia into the State of Florida, of quantities of Young's Preparation which was misbranded for the reasons appearing above.

The article was also alleged to be misbranded in violation of the Federal Caustic Poison Act, as reported in Notice of Judgment No. 105 published under that act.

On June 16, 1941, a plea of guilty having been entered, the defendant was placed on probation for 3 years.

429. Adulteration and misbranding of B-D-Mint Powders. U. S. v. 55 Cards of B-D-Mint Powders. Default decree of condemnation and destruction. (F. D. C. No. 3389. Sample No. 28215-E.)

This product would be dangerous to health when used as directed in the labeling and was not labeled to indicate the consequences that might result from its use. Its labeling also bore false and misleading representations regarding its curative and therapeutic efficacy and was further objectionable as indicated below.

On or about November 20, 1940, the United States attorney for the Western District of Virginia filed a libel against 55 cards, each carrying 28 envelopes

of B-D-Mint Powders, at Pulaski, Va., alleging that the article had been shipped in interstate commerce by South Bluefield Pharmacy, Inc., from Bluefield, W. Va., on or about October 25, 1940; and charging that it was adulterated and misbranded. The article was labeled in part: "Prepared By B. D. Medicine Co., Pulaski, Va."

Analysis showed that the powders each contained approximately 3.83 grains of acetophenetidin, 2.23 grains of acetanilid, 1.5 grains of citrated caffeine, and 3.6 grains of sodium bicarbonate, together with milk sugar and sweetened with saccharin and flavored with peppermint oil.

The article was alleged to be adulterated in that its strength differed from that which it purported or was represented to possess, since the envelope was labeled, "Not Over 2½ Grains Each Acetanilid Acetophenetidin"; whereas each powder contained materially more than 2½ grains of acetophenetidin.

It was alleged to be misbranded in that the statements on the display card, "No Harmful Ingredients," "Safe," "No After Effect," and the designation "B-D-Mint" were false and misleading since it contained potentially harmful ingredients, was not free from danger, might cause serious aftereffects, and the principal active ingredients were not derived from mint.

It was alleged to be misbranded further in that the statements, (envelope) "Quick Relief For the Pain and Discomfort Arising From Simple Headache Neuralgia Muscular Aches and Pains Head Colds and as Nerve Sedative," "For * * * Female Pains, Muscular Aches and Pains, Simple Head Colds, for Reducing Fever, as Nerve Sedative," and (display card) "Quick Relief For the Pain and Discomfort Arising from Simple Headache Neuralgia Rheumatism Earache Toothache," "Headache Head Colds * * * Neuralgia Nerve Sedative * * * Muscular Aches and Pains," were false and misleading since it was not an adequate treatment for the various conditions mentioned and because of failure of the label to reveal the material fact that its use in such conditions might cause ill effects.

It was alleged to be misbranded further in that the statement in the labeling, "Prepared by B. D. Medicine Co., Pulaski, Va.," was false and misleading since it was prepared by South Bluefield Pharmacy, Inc., Bluefield, W. Va. It was alleged to be misbranded further in that its label failed to bear the common or usual name of each of the active ingredients together with the statements of the quantity or proportion of acetanilid and acetophenetidin since the statement on the label, "Not Over 2½ Grains Each Acetanilid Acetophenetidin," was not such a statement and was not true in fact.

It was alleged to be misbranded further in that the package failed to bear a statement of the quantity of the contents; and in that its labeling failed to bear adequate directions for use since the directions appearing on the envelope, "Take one powder * * * may repeat in one hour if not relieved. After second dose, not oftener than every 2 or 3 hours. If not relieved, after four or five doses consult your doctor. Children over 8 years old: One-fourth powder. May repeat in 2 or 3 hours," were not suitable and appropriate directions for the use of the article.

It was alleged to be misbranded further in that the labeling failed to bear adequate warnings against use in those pathological conditions or by children where its use might be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form, as are necessary for the protection of users; and in that it was dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, and suggested in the labeling.

On May 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

430. Misbranding of Bromo-Thein. U. S. v. 48 Bottles of Bromo-Thein. Default decree of condemnation and destruction. (F. D. C. No. 3943. Sample No. 31586-E.)

This product consisted essentially of acetanilid, bromides (such as sodium bromide and potassium bromide), aspirin, caffeine, sodium bicarbonate, citric acid, and tartaric acid. It would be dangerous to health when used as recommended and its labeling failed to reveal the consequences which might result from its use and failed in other respects as indicated hereinafter to comply with the labeling requirements of the law.

On March 10, 1941, the United States attorney for the Eastern District of Michigan filed a libel against 48 bottles of Bromo-Thein at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about