

cure of sore and bleeding nipples, and which contained directions that the shields be applied as soon after delivery as possible, that in using them the only attention required was to wipe the nipple previously to nursing and to apply the shield again immediately afterwards, and that they were in no way likely to be injurious to the infant, in view of the failure of the labeling to reveal facts material in the light of such representations or material with respect to consequences which might result from the use prescribed in the labeling thereof, or under such conditions of use as are customary or usual, and because of failure of the labeling to reveal the material fact that fatal lead poisoning might result in infants fed from breasts of mothers using the appliance.

On October 5, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

82. Misbranding of Dr. Wansbrough's Metal Nipple Shields. U. S. v. 21 Boxes of Dr. Wansbrough's Metal Nipple Shields. Default decree of condemnation and destruction. (F. D. C. No. 132. Sample No. 42160-D.)

On January 25, 1939, the United States attorney for the Eastern District of Pennsylvania filed a libel against 21 boxes of the above-named product at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about December 21, 1938, by Meinecke & Co. from New York, N. Y.; and charging that it was misbranded.

The article was alleged to be misbranded in that it was dangerous to health when used in the dosage or with the frequency prescribed, recommended, or suggested in the labeling, which contained directions that in using the device the only attention required was to wipe the nipple previous to sucking, and to apply the shield again immediately afterwards, and which contained representations that the device was in no way likely to be injurious to the infant.

On February 15, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

83. Misbranding of metallic nipple shields. U. S. v. 10 Boxes and 22 Packages of Asepticon Metallic Nipple Shields. Default decrees of condemnation and destruction. (F. D. C. Nos. 164, 169. Sample Nos. 9829-D, 59366-D.)

February 10 and 14, 1939, the United States attorneys for the District of New Jersey and the Eastern District of Pennsylvania filed libels against 10 boxes of nipple shields at Passaic, N. J., and 22 packages of nipple shields at Philadelphia, Pa.; alleging that the article had been shipped in interstate commerce on or about January 16 and February 7, 1939, by Max Weiss & Sons, Inc., from New York, N. Y.; and charging that it was misbranded.

The article was alleged to be misbranded in that it was dangerous to health when used in the dosage, or with the frequency prescribed, recommended, or suggested in the labeling, in which it was recommended for the prevention and relief of sore nipples, particularly in view of the failure of the labeling to reveal facts material in the light of such representations or material with respect to consequences which might result from the use of the article to which the labeling related under the conditions prescribed in the labeling, or under such conditions of use as are customary or usual, and because of failure of the labeling to reveal the material fact that fatal lead poisoning might result in infants fed from breasts of mothers using the appliance.

On March 9 and 13, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

84. Misbranding of lead nipple shields. U. S. v. 1,027 Pairs of Lead Nipple Shields (and one other seizure action against the same product). Default decrees of condemnation and destruction. (F. D. C. Nos. 141, 146, 147. Sample Nos. 45750-D, 45751-D, 53391-D.)

On January 27 and February 6, 1939, the United States attorneys for the Eastern District of Missouri and the Northern District of Illinois filed libels against 1,027 pairs of lead nipple shields at St. Louis, Mo., and 281 pairs of the same product at Chicago, Ill.; alleging that the article had been shipped in interstate commerce by the Gem Surgical Products Co., Inc., from New York, N. Y., within the period from on or about September 29 to on or about December 20, 1938; and charging that it was misbranded.

The article was alleged to be misbranded in that it was dangerous to health when used as suggested in the labeling, in which the device was designated as a nipple shield.

On March 16 and 17, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

VAPORIZING DEVICES

Nos. 35 to 40, inclusive, of this publication report the seizure and disposition of vaporizing devices which were similar in general structure and identical in purpose. The device consisted of a small chamber (containing a wick or absorbent pad) of such size and shape as to permit its fitting into the nostril to which was attached a rubber tube fitted with a mouthpiece. An accessory medicament was supplied or could be obtained separately. The wick or pad was saturated with the medicament, which was vaporized by the user's blowing into the mouthpiece and forcing the vapor into the nasal passages.

35. Misbranding of Syn-O-Scope. U. S. v. 183 Packages of Syn-O-Scope (and 5 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. D. C. Nos. 106, 115, 118, 121, 125, 182. Sample Nos. 29421-D, 29424-D, 31877-D, 31878-D, 32674-D, 34980-D, 58803-D, 58804-D.)

Between January 4 and March 11, 1939, the United States attorneys for the Western District of Michigan, Northern District of Ohio, Southern District of Indiana, Western District of Pennsylvania, and Western District of Virginia, filed libels against the following lots of Syn-O-Scope: 183 packages at Grand Rapids, Mich.; 54 packages at Cleveland, Ohio, 118 packages at Evansville, Ind.; 39 packages at Pittsburgh, Pa.; and 26 packages at Danville, Va. It was alleged in the libels that the article had been shipped in interstate commerce within the period from on or about August 12 to on or about November 9, 1938, by Syn-O-Scope Co., Inc., from Chicago, Ill.; and charging that it was misbranded.

The accessory medicament with this device, labeled "Synex Syn-O-Scope Refill," consisted of a mixture of volatile oils including eucalyptus oil, camphor, and alcohol.

The said device was alleged to be misbranded in that it was dangerous to health when used with the frequency and duration prescribed, recommended, and suggested in the labeling, in which the user was directed to place the metal tip in the nostril and hold in position; to take the mouthpiece of rubber hose between the lips and blow, gently at first, gradually increasing to suit; and which contained a diagrammatic sketch of the apparatus in use, accompanied by the explanation that the lung pressure closed the palate and forced the medication into the infected parts.

On February 27, March 7, April 1, April 6, and September 6, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

36. Misbranding of Pate-O-Graph. U. S. v. 80 Packages and 6½ Gross Packages of Pate-O-Graph. Default decrees of condemnation and destruction. (F. D. C. Nos. 100, 102. Sample Nos. 44585-D, 52006-D.)

On November 17 and 29, 1938, the United States attorneys for the District of Columbia and the District of New Jersey filed libels against 80 packages of Pate-O-Graph at Washington, D. C., and 6½ gross packages of Pate-O-Graph at Newark, N. J.; alleging that the former was in possession of Liggett's Drug Store at Washington, D. C., and was being offered for sale in the District of Columbia, and that the latter had been shipped in interstate commerce on or about November 17, 1938, by H. W. Gillespie from Baltimore, Md.; and charging that it was misbranded. The article was labeled in part: "Pate-O-Graph, Tobin & Snell, Distributors, New York, N. Y."

The accessory medicament, labeled "Patol," consisted of approximately 80 percent of volatile oils (chiefly eucalyptus oil), a small proportion of an ammonium compound and approximately 20 percent alcohol.

The device was alleged to be misbranded in that it was dangerous to health when used with the frequency and duration prescribed, recommended, and suggested in the labeling, which directed that after saturating the wick with the medicament the vaporization chamber be placed to the nostril and the mouthpiece placed between the lips; that the user blow, gently at first, gradually increasing the pressure; that to increase flow of vapor, the cap be unscrewed a few turns; that the warmth of the breath vaporized the medicament; that the act of blowing causes the soft palate to close; and that the lung pressure enables one to force the warm medicated vapor into the nasal passages. The labeling also bore a diagrammatic sketch illustrating the device which bore the legend explaining that the lung pressure closes soft palate forcing medication to nasal passages.

On December 23, 1938, and January 13, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.