**803. Misbranding of castor oil. U. S. v. 29⅔ Dozen Bottles of Castor Oil. Default decree of condemnation and destruction.** (F. D. C. No. 7575. Sample No. 89773–E.)

On May 29, 1942, the United States attorney for the Southern District of New York filed a libel against 29⅔ dozen bottles of castor oil at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about April 21, 1942, by Ritchie & Janvier, Inc., from Bloomfield, N. J.; and charging that it was misbranded in that it would be dangerous to health when used in the dosage recommended in the labeling, namely, "Dosage: Infants Up to 1 year, 1 tablespoonful." The article was labeled in part: "Kellogg's Perfected Tasteless Castor Oil."

On July 22, 1942, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**804. Misbranding of Dr. Hand's Worm Elixir. U. S. v. 23½ Dozen Bottles of Dr. Hand's Worm Elixir. Decree of condemnation and destruction.** (F. D. C. No. 7137. Sample No. 31378–E.)

On April 1, 1942, the United States attorney for the Eastern District of Michigan filed a libel against 23½ dozen bottles of Dr. Hand's Worm Elixir at Detroit, Mich., alleging that the article had been shipped in interstate commerce by Smith, Kline & French Laboratories from Philadelphia, Pa., on or about February 17, 1942.

Analysis of a sample of the article showed that it consisted essentially of extracts of plant drugs, including santonin and a laxative drug, in a vehicle of syrup, a small proportion of alcohol, and flavoring material. Santonin was present in solution to the extent of 0.164 gram per 100 cubic centimeters and in the sediment to the extent of 0.065 gram per 100 cubic centimeters.

The article was alleged to be misbranded in that it was dangerous to health when used in the dosage and with the frequency or duration prescribed in the labeling, since the amount of santonin provided by the article when used in accordance with such directions was sufficient to produce serious poisoning. The dosage recommended was as follows: "DOSE—2 to 4 years, 1 teaspoonful; 4 to 6 years, 1½ to 2 teaspoonfuls; 6 to 10 years, 2 to 3 teaspoonfuls; adults, 4 teaspoonfuls. Give first dose at bedtime, second dose the first thing the following morning and third dose two hours later. Give a light diet while using the medicine. Do not repeat treatment for seven days. If the bowels have not moved freely within two hours after the third dose, give an enema or a quick acting cathartic, such as Epsom salt or citrate of magnesia until free movement has occurred. Do not give an oily cathartic."

On August 7, 1942, judgment of condemnation was entered and the product was ordered destroyed.

## DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS[2]

**805. Adulteration and misbranding of Cherry Balsam and misbranding of Arabian Oil liniment, Mentho-Thymoline, Mettozone Tablets, Climax C. & P. R., and Bu-U Diuretic. U. S. v. Standard Drug Co., Inc. Plea of nolo contendere. Fine, $5.00. Fine suspended during good behavior.** (F. D. C. No. 6446. Sample Nos. 37487–E to 37489–E, incl., 37796–E to 37799–E, incl.)

These products were misbranded because of false and misleading curative and therapeutic claims in the labeling and were further misbranded in the following respects: The labels of the Arabian Oil and the Mettozone Tablets, the former a rubefacient containing ammonia and turpentine and the latter containing zinc phosphide and cantharides, failed to bear necessary and adequate warning statements; the Cherry Balsam contained a smaller amount of chloroform than declared, the Mentho-Thymoline failed to bear a statement of the quantity of the contents and the cartons of the Cherry Balsam, Arabian Oil, Climax C. & P. R. and the Bu-U Diuretic were much larger than was necessary to hold the bottles.

On August 4, 1942, the United States attorney for the Western District of South Carolina filed an information against the Standard Drug Co., Inc., Spartanburg, S. C., alleging shipment on or about February 28 and March 13, 1941, from the State of South Carolina into the States of North Carolina and Georgia of quantities of the above-named drugs, all of which were misbranded; the Cherry Balsam was also adulterated.

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[2] See also Nos. 837, 845.