

percent more patients treated with Peritrate SA remained alive after two years than patients treated with a placebo was due to the action of the drug, which representation is false and misleading since it is contrary to fact; and (2) that the referenced study by Lumb, O. D., and Hardy, L. B., *Circulation* (Pt. II, Cardiovascular Surgery) 27:717, 1963, supports the claim that "Peritrate SA (pentaerythritol tetrenicrate) 80 mg. Sustained Action . . . stimulates development of collateral circulation," which representation is misleading in that the advertisement fails to reveal the material fact that the research involved the use of young pigs in a manner which in no way approximates the human disease situation.

5. That the aforesaid article is in the possession of Barry Division of Ketchum and Company, Inc., 60-80 Cooper Avenue, at Glendale, New York, or elsewhere within the jurisdiction of this Court.

6. That by reason of the foregoing, the aforesaid article is held illegally within the jurisdiction of this Court, and is liable to seizure and condemnation pursuant to the provisions of said Act, 21 U.S.C. 334.

Wherefore, libellant prays that process in due form of law according to the course of this Court in cases of admiralty jurisdiction issue against the aforesaid article; that all persons having any interest therein be cited to appear herein and answer the aforesaid premises; that this Court decree the condemnation of the aforesaid article and grant libellant the costs of this proceeding against the claimant of the aforesaid article; that the aforesaid article be disposed of as this Court may direct pursuant to the provisions of said Act; and that libellant have such other and further relief as the case may require.

Dated: Brooklyn, New York, February 28, 1966.

JOSEPH P. HOEY,
*United States Attorney, Eastern District of New York, Proctor for
Libellant, 521 United States Court House, Brooklyn, New York.*

By CARL GOLDEN,
Assistant United States Attorney.

DEPARTMENT OF JUSTICE,
U.S. MARSHAL,
EASTERN DISTRICT OF NEW YORK,
Brooklyn, N.Y., March 2, 1966.

NOTICE OF ATTACHMENT

U.S. Marshal's No. 20166
U.S. Court No. 66-M-163

Hon. JOSEPH P. HOEY,
*U.S. Attorney,
Brooklyn, N.Y.:*

Notice is hereby given that on February 28, 1966, this office libeled the article of drug consisting of 68 bottles, more or less, of an article labeled in part: (btl.) "100 80 mg. Tablets Peritrate SA Sustained Action (Pentaerythritol tetranitrate) Caution: Federal law prohibits dispensing without prescription. Warner-Chilcott Labs. Div., Morris Plains, N.J., etc. of which you are reputed to be the proctor. Process returnable in the U.S. District Court, 225 Washington Street, Brooklyn, New York, on the 23rd of March, 1966. Libeled by United States of America for breach of the provisions of 21 U.S.C. 301 et seq.

Respectfully,

GEORGE J. WARD,
U.S. Marshal, E.D.N.Y.

In the United States District Court for the District of New Jersey

No. — .

UNITED STATES OF AMERICA

v.

An article of drug consisting of 100 bottles, more or less, labeled in part: (btl.) capsules 14747 Serax (Oxerepam) * * * 10 mg. Caution: Federal law prohibits * * * See accompanying information. Usual Dosage: Use or two