

The article was alleged to be misbranded further in that the statement "Contains * * * Acid Benzoic 5 gr. * * * Q. S. 1 ounce" was false and misleading since it contained materially less than 5 grains of benzoic acid per fluid ounce.

On January 8, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

VAPORIZING DEVICES

183. Misbranding of Jiffy Vaporizer. U. S. v. 27 Packages of Jiffy Vaporizer. Default decree of condemnation and destruction. (F. D. C. No. 1740. Sample No. 14682-E.)

This product consisted of an electrically heated device intended to produce steam. Its labeling bore false and misleading representations regarding its efficacy for the relief of bronchitis, asthma, hay fever, whooping cough, laryngitis, and catarrh; and for purifying the air.

On April 1, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 27 packages of Jiffy Vaporizer at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about January 23, 1940, by Spielman & Co. from New York, N. Y.; and charging that it was misbranded for the reasons appearing above.

On May 2, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

184. Misbranding of electric vaporizers. U. S. v. 181 Packages of Kaz Electric Vaporizers. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 1549. Sample No. 33180-D.)

This product was an electric heating device for producing steam and a bottle of a liquid labeled "Kaz For Colds," consisting essentially of oils of eucalyptus, peppermint, wintergreen, and lavender together with menthol and camphor dissolved in a mineral-oil base. Its labeling bore false and misleading representations regarding its efficacy in the conditions indicated below.

On February 29, 1940, the United States attorney for the Northern District of Ohio filed a libel against 181 vaporizers at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about November 25, 1939, by the Kaz Manufacturing Co. from New York, N. Y.; and charging that it was misbranded.

The device was alleged to be misbranded in that its labeling bore representations that it was efficacious and effective in the treatment of throat, lung, and nasal congestions including croup, whooping cough, asthma, chest colds, and similar complaints; that it would penetrate the sore, inflamed, and congested membranes of the nose, throat, and chest and carry with it the soothing, beneficial vapors of a scientifically prepared medication combined in correct proportions to give instant relief; and that it would give quick relief to throat and nasal congestions, which were false and misleading since it was not efficacious for the purposes recommended.

On August 21, 1940, the Kaz Manufacturing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond on condition that it be relabeled under the supervision of the Food and Drug Administration.

185. Misbranding of vaporizers. U. S. v. 251 American Electric Vaporizers. Decree ordering product released under bond for relabeling. (F. D. C. No. 1617. Sample No. 3104-E.)

This device consisted of a jar equipped with two electrodes and was intended for the production of vapors. Its labeling bore false and misleading representations regarding its efficacy in the conditions indicated below.

On March 12, 1940, the United States attorney for the Western District of Pennsylvania filed a libel against 251 vaporizers at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about November 10, 1939, to on or about February 8, 1940, by the American Sundries Co. Inc., from Brooklyn, N. Y.; and charging that it was misbranded.

It was alleged to be misbranded in that its labeling bore representations that it was efficacious as an efficient agency of administration in cases of bronchitis, asthma, whooping cough, laryngitis, and other similar respiratory ailments, that by vaporizing a few drops of pine needle oil it would purify the air in sleeping rooms, living rooms, or in public gathering quarters, which representations were false and misleading since it was not efficacious for the purposes so recommended.

On May 1, 1940, the American Sundries Co., Inc., having admitted the allegations of the libel and having petitioned leave to relabel the device, a decree was entered ordering its release under bond conditioned that it be so relabeled.

186. Misbranding of electric vaporizers. U. S. v. 22 Electric Vaporizers. Default decree of condemnation and destruction. (F. D. C. No. 1618. Sample No. 14301-E.)

This product was a kettle-shaped electric vaporizing device. Its labeling bore false and misleading representations regarding its efficacy in the conditions indicated below.

On March 11, 1940, the United States attorney for the Eastern District of Pennsylvania filed a libel against 22 electric vaporizers at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about February 10, 1940, by the Practical Products Co. from New York, N. Y.; and charging that it was misbranded. The article was labeled in part: "The Prak-t-kal Electric Vaporizer."

The device was alleged to be misbranded in that the labeling bore representations that it was a practical road to health; that it was efficacious in the treatment of asthma, bronchitis, laryngitis, and whooping cough; that it would bring prompt relief for asthma and bronchitis; that it would generate healing, medicated vapors, and that these healing vapors would penetrate the throat and nasal passages and relieve congestion from head to chest, which representations were false and misleading since it was not efficacious for the purposes recommended.

On March 30, 1940, no claimant having appeared, judgment of condemnation was entered and the article was ordered destroyed.

187. Misbranding of electric vaporizers. U. S. v. 17 Rogers Electric Vaporizers. Default decree of condemnation and destruction. (F. D. C. No. 1363. Sample No. 74442-D.)

This product was an electric device for vaporizing water, the vapor passing over cotton which had been saturated with some medicinal agent. Its labeling bore false and misleading representations regarding its efficacy in the conditions indicated below.

On January 18, 1940, the United States attorney for the District of Minnesota filed a libel against 17 electric vaporizers at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about October 9, 1939, by the Rogers Electric Laboratories, Inc., from Cleveland, Ohio; and charging that it was misbranded.

The device was alleged to be misbranded in that the representations in the labeling that it was efficacious in the treatment of bronchitis, pneumonia, influenza, and asthma, were false and misleading since it was not efficacious for such purposes.

On March 19, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

188. Misbranding of vaporizers. U. S. v. 33 Sterno Vaporizers. Default decree of condemnation and destruction. (F. D. C. No. 1696. Sample Nos. 481-E, 483-E.)

This product was a device designed to vaporize water and other liquids. Its labeling bore false and misleading representations regarding its efficacy in the conditions indicated below.

On March 26, 1940, the United States attorney for the Southern District of Florida filed a libel against 33 Sterno Vaporizers at Jacksonville, Fla., alleging the article had been shipped in interstate commerce on or about January 27, and March 1, 1940, by S. Sternau & Co., Inc., from New York, N. Y.; and charging that it was misbranded.

The device was alleged to be misbranded in that its labeling bore representations that it was efficacious for quick relief for coughs and sore throat, bronchitis, hay fever, whooping cough, catarrh, and asthma; that it was efficacious in the treatment of coughs, gripe, bronchitis, hay fever, sinus, influenza, coughs, sore throat, and related ills; that inhalation is the recognized modern method of scientifically combating inflammation and congestion of the respiratory organs; that the warm vapors would open up the membranes and tissues, permitting the antiseptic, healing ingredients to penetrate quickly and effectively to surfaces not otherwise reached, that such symptoms as coughing, throat irritations, chest congestion or increased body temperature should receive instant attention and that inattention to seemingly slight ills often results in serious future complications and that inhalation would in most cases prevent