

It was alleged to be misbranded in that the representations in the labeling that it would enable one to vibrate one's way to health and beauty; that it was efficacious for sore muscles, for complexion, headaches, rheumatism, and constipation; that it would be helpful in conditions where increased circulation and stimulation of the nerves would cause curative action; that its strong vibratory action penetrated very deeply into the parts under treatment; that it was efficacious for sore muscles, neuralgia, blackheads, obesity, insomnia, headaches, nervousness, double chin, wrinkles, sagging muscles, acute rheumatism; that lifeless skin and sagging facial muscles could be improved by massaging two or three minutes each day by working from the chin up and from the mouth toward the ears using a rotary motion; and that for double chin the sponge applicator should be used three minutes at a time working upward from the base of the neck towards the ears, never downward, were false and misleading in that the said statements represented that the device was efficacious for the purposes for which it was recommended; whereas it was not efficacious for such purposes.

On May 7, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

201. Misbranding of vibrators. U. S. v. 24 Electric Vibrators. Consent decree of condemnation. Product ordered released under bond for relabeling.
(F. D. C. No. 1503. Sample No. 68476-D.)

This device was an electric vibrator with three attachments consisting of a button, a rubber cup, and a rubber brush. Its labeling bore false and misleading representations regarding its efficacy in the conditions indicated below.

On February 19, 1940, the United States attorney for the Southern District of New York filed a libel against 24 electric vibrators at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 6, 1940, by the A. C. Gilbert Co. from New Haven, Conn.; and charging that it was misbranded. It was labeled in part "Gilbert Vibrator."

It was alleged to be misbranded in that the representations in the labeling that it would restore health, was efficacious for the relief of rheumatism resulting from blood congestion; that it would be efficacious for indigestion and constipation; would cleanse the pores of the skin; would help one attain blemish-free complexions; would be efficacious for headaches, insomnia, nervousness, neuralgia, obesity; that it would be efficacious in developing the bust; that it would overcome thin brittle hair caused by the failure of the natural oils to function properly; that it was beneficial for double chin and wrinkles, that it would build one up and keep one up; that if used regularly, it would renew the youthful suppleness of body, clear the waste matter and dead cells from the blood, stimulate the circulation and bring the bloom of youth to the cheeks; that it was efficacious in the treatment of many common diseases and ailments; that a longer treatment, pressing lightly with the vibrator was required in nervousness, sleeplessness, and obesity, which treatment would soothe while the shorter, harder treatment would stimulate; that it was ideal for reducing and would restore health, which representations were false and misleading since the article was not efficacious for the purposes recommended.

On March 29, 1940, the A. C. Gilbert Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the article was ordered released under bond on condition that the labels, circulars, and tags be destroyed, and that those which were in compliance with the law be substituted.

202. Misbranding of electric vibrators. U. S. v. 63 Vibrators. Decree of condemnation and order for release of product under bond for relabeling.
(F. D. C. No. 1477. Sample No. 61308-D.)

This device was an electric vibrator, with various attachments, intended to apply mechanical vibration to the body. Its labeling bore false and misleading representations regarding its efficacy in the conditions indicated below.

On February 9, 1940, the United States attorney for the Southern District of Texas filed a libel against 63 vibrators at Houston, Tex., alleging that the article had been shipped in interstate commerce on or about December 10 and December 22, 1939, by the Vidrio Products Corporation from Chicago, Ill.; and charging that it was misbranded. The article was labeled in part: "Mastercraft Two Speed Electric Vibrator."

The device was alleged to be misbranded in that the labeling bore representations that it was efficacious for indigestion, constipation, baldness, bruises

and sprains, blackheads, neuralgia, head colds, sciatica pains, head pains, eyestrain, sleeplessness, double chin, acute rheumatism, and wrinkles; that it would cleanse the skin, reduce weight, reduce swelling, and stimulate blood circulation, that for wrinkles the affected parts should be massaged once a day for 3 minutes, which would strengthen muscles, stimulate blood circulation, and invigorate sluggish tissue; that for double chin, one should massage from shoulders and breast bones upward to point of chin, never downward, for 3 minutes at a time two or three times a day; that it would eliminate dandruff, would be efficacious in the treatment of rheumatism, headache, nervousness, insomnia and obesity, and would develop the bust, which representations were false and misleading since it was not efficacious for the purposes recommended.

On June 1, 1940, the claimant, the Walgreen Co., Houston Tex., 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 properly relabeled.

"HEALTH FOODS"

203. Misbranding of Grandma's Cocoanut Bars. U. S. v. 30 Cartons of Grandma's Cocoanut Bars. Default decree of condemnation and destruction. (F. D. C. No. 1138. Sample No. 83933-D.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated hereinafter.

On December 5, 1939, the United States attorney for the Western District of Washington filed a libel against 30 cartons of Grandma's Cocoanut Bars at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about November 15 and 18, 1939, from Portland, Oreg., by Grandma Cookie Co.; and charging that it was misbranded.

The article was alleged to be misbranded in that representations in the labeling that it was nature's aid to digestion and general health and was an unsurpassed bone-building delicacy which children all love, were false and misleading since the article was not efficacious for the purposes recommended.

It was also alleged to be misbranded under the provisions of the law applicable to foods, as reported in F. N. J. No. 52.

On March 25, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

204. Misbranding of honey. U. S. v. 237 Jars of Honey. Default decree of condemnation and destruction. (F. D. C. No. 1412. Sample No. 88943-D.)

This product was displayed for sale on a table in the establishment of the dealer. The jars were labeled in part: "El Aguinaldo Cuban Wonder Honey." Accompanying the article was further labeling consisting of a display card and a number of pamphlets stacked on the table for distribution. This labeling contained false and misleading representations regarding the article and its efficacy in the conditions indicated below.

On February 2, 1940, the United States attorney for the Northern District of Illinois filed a libel against 237 various-sized jars of honey at Chicago, Ill., alleging that the article had been shipped in interstate commerce, in part on or about December 11, 1939, by Cuban Health Products, and in part on or about January 18, 1940, by Cuban Honey, Inc., both lots from Lansing, Mich.; and charging that it was misbranded.

The article was alleged to be misbranded in that the labeling of the 96-ounce jars bore the word "Health" and that accompanying all sizes bore representations that carbohydrates in this form (honey) mean "pep" and pep means "a better you"; that it contained many of the necessary salts; that it had been clinically tested, and that such tests had been carried on in cases of bronchial asthma and bronchitis under the care of reputable physicians; that it had been found to be a desirable food supplement to a bland diet in cases of stomach ulcers and other digestive disorders; that the contents of the stomach had been examined at specific intervals and X-rays taken and that all cases showed much greater improvement when El Aguinaldo Cuban Honey was a part of the diet than without it; that the diets used tended to relieve discomfort, increase vitality, improve the appetite and provide a mild laxative and that as the use of the article is new to some the user should write for information regarding these clinical cases; that it was recommended by many physicians; that it was very beneficial in different digestive disorders which retard assimilation in general; that it had been used with wonderful effects; that it had been used in various types of illness with very pleasing results in many cases; that it would do everything for which it was recommended; that the article would be