

Kriss For Constipation," "The Original 7-Day Elimination Diet," and "The New Zig-Zag Reducing Diet" were false and misleading since they represented that the product had value in reducing body weight; that its use twice a year for a week at a time would be in the interest of maintaining health; that it would keep one physically fit in times of nervous stress and extraordinary demands; that it would enable the user to enjoy life and be "regular"; that it would prevent the user being sluggish, depressed, cranky, unhappy, dull, listless, or tired; and that it would bring quick, pleasant, and effective relief from headache and finicky appetite. The article would not be efficacious for such purposes. Further misbranding, Section 502 (c), the information required by law to appear on the label was not prominently placed thereon in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use, since the fact was not revealed that the active ingredient of the product upon which its laxative properties depended was senna.

DISPOSITION: October 23, 1946. Modern Products, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and the products were ordered released under bond to be relabeled. Further, all literature not in compliance with the Federal Food, Drug, and Cosmetic Act was ordered destroyed under the supervision of the Food and Drug Administration.

2136. Misbranding of electric light bulbs. U. S. v. Archibald H. Roberts. Plea of guilty. Fine, \$25. (F. D. C. No. 20179. Sample Nos. 27022-H, 36781-H.)

INFORMATION FILED: October 24, 1946, District of Minnesota, against Archibald H. Roberts, Minneapolis, Minn.

ALLEGED SHIPMENT: Between the approximate dates of November 22, 1944, and June 11, 1945, from the State of Minnesota into the State of Montana.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the circular entitled "A New Scientific Development" and on printed placards headed "Now! Deep Infra-Red Ray From Any Light Socket," which were shipped with the article, were false and misleading since they represented and suggested that the article would be efficacious in the cure, mitigation, treatment, and prevention of prostatic troubles, sprains, sinus trouble, neuralgia, rheumatism, lumbago, neuritis, pleurisy, pneumonia, tonsillitis, influenza, arthritis, bronchitis, catarrh, asthma, fractures, women's ailments, deafness, ear trouble, skin diseases, torticollis, boils when open, cholecystitis, endocarditis, and low red blood count; that it would be efficacious to raise lowered vitality, improve the nervous system, relieve pain, improve circulation, promote absorption of exudate, and increase red blood count; that it would be efficacious in the treatment of superficial conditions, such as infections, acute inflammations, and deep-seated lesions; that it was a general systematic treatment, and would tend to induce active circulation; and that it would be efficacious for many other purposes. The product would not be efficacious for the purposes represented.

DISPOSITION: November 12, 1946. A plea of guilty having been entered, the court imposed a fine of \$25.

2137. Misbranding of gynecological syringes. U. S. v. 39 Packages * * *
(F. D. C. No. 22283. Sample No. 67965-H.)

LIBEL FILED: February 12, 1947, Eastern District of Oklahoma.

ALLEGED SHIPMENT: On or about October 17, 1946, by the Walter E. Dewey Company, from Philadelphia, Pa.

PRODUCT: 39 packages containing *gynecological springes* with accessory parts at Sulphur, Okla.

LABEL, IN PART: "Dew-E-Way Gynecological Syringe for Health Safety Convenience."

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statement "Dew-E-Way" and certain statements in the accompanying booklet entitled "Dew-E-Way Self-Help for Women" and in the leaflet entitled "The Dew-E-Way for Health and Complete Cleanliness" were false and misleading since they represented and suggested that the article would be effective to promote health, to cure and prevent diseases of women, to remove germs, to remove all odors, to relieve pain, sleeplessness, loss of appetite, nausea, languor, indifference,

dullness over the eyes, and urination difficulties. The article would not be effective for such purposes.

DISPOSITION: April 16, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2138. Misbranding of Depolaray (device). U. S. v. 1 * * * and a number of circulars. (F. D. C. No. 18475. Sample No. 24542-H.)

LIBEL FILED: December 3, 1945, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about June 5, 1945, by the College of Electronic Medicine, from San Francisco, Calif.

PRODUCT: 1 *Depolaray* (device) and a number of circulars entitled "General Reflex Centers and Visceral Centers in Spine" and "Depolaray Procedures" at New Orleans, La. Examination showed that the device consisted essentially of a weak electromagnet operated from a light circuit and equipped with a mechanism intended to produce a vibrating noise.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the circulars were false and misleading since they represented and suggested that the device would be effective in the treatment of the diseases, conditions, and symptoms stated and implied, whereas it would not be effective for such purposes. The statements in the accompanying circulars represented and suggested that the device would be effective in the treatment of acid stomach, appendicitis, arthritis deformans, cerebral abscess, renal colic, colitis, cystitis, catarrhal deafness, diarrhea, abdominal and cardiac dropsy, duodenal ulcer, earache, fecal obstruction, gallstones, gastric ulcer, gastritis, gastroduodenitis, glaucoma, goiter, and hay fever; bilious, neuralgic, ocular, and uterine headache; herpes zoster (shingles), hiccough, hysteria, hystero-epilepsy, impacted gall duct, impotence, incontinence of urine, and infantile paralysis; general inflammation and inflammation of bladder, bowel, bronchi, kidneys, larynx, lungs, meninges, ovaries, pharynx, pleura, stomach, and uterus; influenza, intestinal neuralgia, insomnia, iritis, jaundice, lactation disorders, lacunar tonsillitis, la grippe, laryngeal paralysis, laryngeal stridulous, laryngitis, leukemia, leucorrhea, lobar pneumonia, lockjaw, lumbago, lumbo-abdominal neuralgia, mastoiditis, measles, memory disorders, meningitis, micturition, migraine, movable kidney, mucous colic, mumps, nephritis, trigeminal and brachial neuralgia, neuralgia of the feet, nodding spasm, optic atrophy, optic neuritis, ovarian diseases, palpitation, pancreatic calculi, pancreatic hemorrhage, pancreatitis, paralysis agitans, paralysis crural and facial, parotitis, pellagra, pericarditis, peritonitis, pertussis, pharyngitis, pleurisy, pneumonia, prolapsed kidney, prolapsed uterus, prostatic diseases, ptosis of eyelid, pyelitis, quinsy, rectal fistula, rectal neuralgia, rectal hemorrhage, retinitis, rheumatic fever, rheumatism, sciatica, sneezing, softening of brain, splenitis, splenoptosis, stomatitis, suppression of urine, arterial tension, pendulous testicle, tetanus, tic douloureux, tonsillitis, toothache, toxic gastritis, typhoid fever, typhus fever, uremia, urethritis, uterine catarrh, utero-version, vaginitis, valvular lesions, vomiting, pernicious whooping cough, writer's cramp, stomach worms, wry neck, abdominal gas pains, appendix pains, arm pain or distress, asthma, backache, bladder distress, boils, bowel stoppage, bruises, bronchitis, bursitis, charleyhorse, colds, digestive distress, fractures, gall bladder distress, hemorrhoids or piles, high blood pressure, hip pointers, lumbago, lymphatic gland enlargement, pleurisy pain, shin splints, shoulder distresses, sinusitis, sprains, strains, strep or sore throat, impaired or lost voice, and spastic sphincter; and derangements of the appendix, bladder, bronchi, diaphragm, gall bladder, heart, mammary gland, small intestines, kidneys, larynx, thyroid gland, liver, lungs, ovaries and testes, stomach, and uterus.

DISPOSITION: April 7, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the Food and Drug Administration.

2139. Misbranding of Vapo-Path (device). U. S. v. * * * and various appliances and literature (and 1 other seizure action). (F. D. C. Nos. 19694, 19957. Sample Nos. 3000-H, 53208-H.)

LIBELS FILED: April 18 and May 25, 1946, District of Columbia and Western District of Kentucky.

ALLEGED SHIPMENT: On or about October 29, 1945, and February 19, 1946, by the Consolidated Manufacturing Co., from Dayton, Ohio.