

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the circulars were false and misleading, since they represented that the article was safe; that it was a cure for constipation; and that it would promote sleep, soothe the nerves, clean the intestines, and digest food. The article was not safe and would not fulfill the promises of benefit stated and implied.

DISPOSITION: October 21, 1947. Default decree of condemnation and destruction.

2341. Misbranding of Sul-Ray Colloidal Sulphur Mineral Baths. U. S. v. 218 Cartons * * *. (F. D. C. No. 18266. Sample No. 21361-H.)

LIBEL FILED: On or about November 6, 1945, Western District of Missouri.

ALLEGED SHIPMENT: On or about March 9, 1944, by the Sante Chemical Co., from New York, N. Y.

PRODUCT: 218 cartons of *Sul-Ray Colloidal Sulphur Mineral Baths* at Kansas City, Mo. Examination disclosed that the product consisted essentially of sodium sulfate, carbonate and phosphate, borax, and sulfur.

NATURE OF CHARGE: Misbranding, Section 502 (a), the labeling of the article was false and misleading in the same respect as that of the article in the case reported in notices of judgment on drugs and devices, No. 2283.

DISPOSITION: January 11, 1946. Default decree of destruction.

2342. Misbranding of Durmaseptic. U. S. v. 37 Cartons * * * and 43 Posters. (F. D. C. No. 23853. Sample No. 24005-K.)

LIBEL FILED: October 17, 1947, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about August 15 and 22, 1947, by Durma Products Co., Minneapolis, Minn.

PRODUCT: 37 dozen cartons, each containing 1 jar, of *Durmaseptic* and 43 posters entitled "Here's Guaranteed Relief for Athletes Foot and other Skin Irritations," at La Crosse, Wis. The article consisted essentially of aspirin, methyl salicylate, and eugenol in an ointment base.

LABEL, IN PART: (Jar) "*Durmaseptic* * * * Active Ingredients: Acetylsalicylic Acid, Methyl Salicylate, Eugenol—in a suitable base."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the carton, on the jar and circular enclosed in the carton, and on a poster were false and misleading, since such statements represented and suggested that the product would be effective in the treatment of acne, burns, callouses, itching and burning dermatitis, all fungous infections, including jungle rot and ringworm, dandruff, psoriasis, arthritis, rheumatism, and boils and impetigo, and that it would be effective for local application to the skin in treating skin disorders. The product would not be effective for such purposes.

Further misbranding, Section 502 (b) (2), the carton label failed to bear an accurate statement of the quantity of the contents; and, Section 502 (e) (2), the label failed to bear the common or usual name of each active ingredient, since no statement of ingredients appeared on the carton label, and on the jar label acetylsalicylic acid had not been declared by its common or usual name, aspirin.

DISPOSITION: December 5, 1947. Default decree of forfeiture and destruction.

2343. Misbranding of Cloro devices. U. S. v. Lawrence P. Dickey (The L. P. Dickey Co.) Plea of nolo contendere. Imposition of sentence suspended and defendant placed on probation for 6 months. (F. D. C. No. 23567. Sample No. 40688-H.)

INFORMATION FILED: October 7, 1947, District of Arizona, against Lawrence P. Dickey, trading as the L. P. Dickey Co., Tucson, Ariz.

ALLEGED SHIPMENT: On or about July 25, 1946, from the State of Arizona into the State of Missouri.

PRODUCT: This device was essentially an electrolytic cell for the manufacture of chlorine gas, with a motor and fan for blowing the gas out of an aperture.

LABEL, IN PART: "Cloro Roh Radio Co. * * * Tucson, Arizona."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the circular entitled "Here's to Your Health," which was received from the defendant by the consignee at approximately the time of the receipt of the devices, were false and misleading. These statements represented and suggested that the devices would be efficacious in the treatment of sinus, arthritis, hay fever,

bronchitis, and common colds, and that the devices were used by leading medical clinics throughout the country. They would not be efficacious in the treatment of such disease conditions, and they were not in use in the leading medical clinics throughout the country.

DISPOSITION: October 22, 1947. A plea of nolo contendere having been entered, the court suspended the imposition of sentence and placed the defendant on probation for 6 months.

2344. Misbranding of Thermapax device. U. S. v. Duval B. Jackson. Plea of nolo contendere. Sentence of 30 days in jail and fine of \$200. (F. D. C. No. 23251. Sample Nos. 21995-H, 21996-H.)

INFORMATION FILED: December 29, 1947, Northern District of Indiana, against Duval B. Jackson, Memphis, Tenn.

ALLEGED SHIPMENT: On or about February 27 and March 12, 1946, from the State of Indiana into the States of Tennessee and Kentucky.

PRODUCT: Examination showed that the device was a cap-shaped metal shell containing insulated wire. When connected to a source of electric current, it produced heat and was surrounded by a magnetic field.

LABEL, IN PART: "Thermo-Magno-Ray Thermapax Health Applicator."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in accompanying circulars entitled "Magnetic Rays A Powerful Factor in Restoring and Preserving Health," which were delivered to the consignees of the device on or about February 27 and March 7, 1946, were false and misleading. These statements represented and suggested that the device would be efficacious in restoring and preserving health; that it would produce health giving rays; that it would be efficacious in the treatment and prevention of human ills and would accomplish brilliant results in the treatment of disease; that it would be efficacious in the cure, mitigation, and treatment of electrical deficiency in the blood, autointoxication, myriad manifestations of toxemia, most chronic ailments, and many acute conditions; that it would keep the white cells active in fighting disease organisms in the blood stream; that it would energize the body tissue and normalize metabolism processes; that it would enable one to have more energy, more life, and more pep; that it would induce activity in the circulatory system; that it would stimulate natural vital processes; that it would promote elimination of waste; that it would strike at the underlying cause of disease; that it would set antitoxic and eliminative forces and organs to work, would enable them better to perform their functions, and would cause all the life forces to work towards health; that it would provide renewed health and vigor; that it would increase the power of the body to rid itself of the waste matter and poisons which clog the cells and blood stream more and more with advancing years; that it would be efficacious in the cure, mitigation, treatment, and prevention of faulty elimination of poisons which result from abnormal activities of the organs, tissues, and cells of the body; that it would be efficacious in preventing the absorption of poisons produced by putrefactive changes in the intestinal contents; that it would be efficacious in overcoming the effects of poisons from infected teeth, tonsils, and sinuses, and the effects of infections such as colds, influenza, and pneumonia; that it would be efficacious in the cure, mitigation, treatment, and prevention of toxemia resulting from overeating, improper diet, overindulgence in cigarette smoking, worry, fear, coffee drinking, and alcohol; that it would influence favorably the fundamental activities of the body such as circulation, elimination, digestion, nutrition, and metabolism; that it would be efficacious in developing and maintaining a state of exuberant health; that it would be efficacious in keeping one physically and mentally fit; and that it would be efficacious in the cure, mitigation, and treatment of asthma, arthritis, sinusitis, light and heavy colds, "strep" or sore throat, acute bronchitis, pleurisy, lumbago, acute pains and aches due to influenza, pain in the appendix area, enlarged or inflamed prostate, painful and difficult menstruation, streptococcus and staphylococcus infections, chronic sinus conditions, pains in the area of the sinuses and shoulders due to infected teeth, digestive distress caused from gas, high blood pressure, tic douloureux trifacial neuralgia, impotence in men, ovarian distress, bleeding external hemorrhoids, and diabetes. The device would not be effective for the purposes, and would not fulfill the promises of benefit, stated and implied.