

2645. Misbranding of Eskimo Vibrator. U. S. v. 7 Devices * * *. (F. D. C. No. 25853. Sample No. 31625-K.)

LIBEL FILED: October 15, 1948, Southern District of California.

ALLEGED SHIPMENT: On or about September 1, 1948, by the Bersted Mfg. Co., from Fostoria, Ohio.

PRODUCT: 7 *Eskimo Vibrators* at Los Angeles, Calif. Examination showed that the device was an electric vibrator, fitted with several attachments.

LABEL, IN PART: "Eskimo Two Speed Vibrator Model 750."

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements in the labeling of the device were false and misleading since the device was not effective in the treatment of the conditions and diseases stated and implied: (Carton) "Vibrate Your Way To Health And Beauty for Sore Muscles for Complexion for Headaches * * * for Rheumatism for Constipation" and (circular attached to the device) "Vibrate Your Way To Health and Beauty * * * Where increased circulation of the blood and stimulation of the nerves causes curative action, the Eskimo Vibrator will be found very helpful. Its strong vibratory action * * * penetrates very deeply into the parts under treatment * * * complexion, sore muscles * * * neuralgia, blackheads * * * Obesity, insomnia, headaches, nervousness * * * Double chin, wrinkles, sagging muscles, acute rheumatism. Complexion: A lifeless skin and sagging facial muscles may be improved by massaging two or three minutes each day. Work from chin up and from mouth toward ears, using rotary motion. Double Chin: Use sponge applicator for three minutes at a time and work upward from base of neck toward ears—never downward * * * Headaches and Nervousness: * * * Sore Muscles: * * * Insomnia."

DISPOSITION: December 10, 1948. Default decree of condemnation and destruction.

DRUGS FOR VETERINARY USE

2646. Misbranding of Moyer's White Liniment and Moyer's Oil of Gladness. U. S. v. Moyer Brothers, William V. Moyer, and J. Lewis Moyer. Pleas of guilty. Fine of \$100 on count 1 against the corporation, with imposition of sentence on the remaining 3 counts suspended; imposition of sentence on all counts against the individuals suspended. Corporation and individual defendants placed on probation for one year. (F. D. C. No. 25591. Sample Nos. 6452-K, 12361-K to 12363-K, incl.)

INFORMATION FILED: December 20, 1948, Middle District of Pennsylvania, against Moyer Brothers, a corporation, Bloomsburg, Pa., William V. Moyer, president, and J. Lewis Moyer, secretary-treasurer.

ALLEGED VIOLATION: On or about April 15 and May 5, 1948, the defendants gave guaranties to one of their customers, guarantying that certain drugs were not adulterated or misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act. The guaranty of April 15 was set forth in an order received from the customer of the defendant, which provided for the giving of a guaranty by acceptance of the order. The guaranty of May 5 was set forth on the invoice issued by the defendant to the customer. On or about April 16 and May 5, 1948, the defendant delivered to the customer, quantities of *Moyer's White Liniment* and *Moyer's Oil of Gladness* which were misbranded. In addition, on or about April 3, 1948, the defendants shipped from the State