

**2803. Misbranding of Korvo. U. S. v. 266 Bottles, etc. (F. D. C. No. 27011. Sample No. 51279-K.)**

**LIBEL FILED:** April 19, 1949, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about February 3, 1949, by the Korvo Co., from Chicago, Ill.

**PRODUCT:** 266 8-ounce bottles of *Korvo* at Cleveland, Ohio, in the possession of Gray Drug Stores, Inc., together with one copy of a circular entitled "Selling Information" and 6 copies of an advertising mat entitled "Are you Worried," which were received by the consignee from the Korvo Co. during November 1948, and March 1949, and one copy of a bulletin which had been prepared by the consignee and a newspaper clipping from the Columbus Citizen newspaper. Copies of the above printed matter were supplied to the retail outlets of Gray Drug Stores, Inc., with the product.

Examination showed that the product consisted essentially of water, alcohol, benzyl alcohol, and a small amount of lactic acid.

**LABEL, IN PART:** "K Korvo Application For Scalp and Hair."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in the circular, bulletin, advertising mat, and newspaper clipping were false and misleading since the statements represented that the article was effective in the treatment of scalp disorders, including itching scalp, dandruff, baldness, and infection. The article was not effective in the treatment of such conditions. The article was misbranded while held for sale after shipment in interstate commerce.

**DISPOSITION:** June 20, 1949. The Korvo Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered. The court ordered that the product be released under bond for relabeling, under the supervision of the Federal Security Agency.

**2804. Misbranding of Vola Oil. U. S. v. 11 Bottles, etc. (F. D. C. No. 27192. Sample No. 13465-K.)**

**LIBEL FILED:** May 9, 1949, District of Delaware.

**ALLEGED SHIPMENT:** On or about March 14, 1949, by David H. Blanck & Co., from Philadelphia, Pa.

**PRODUCT:** 11 3-ounce bottles of *Vola Oil* at Wilmington, Del., together with a number of streamers entitled "Vola Oil." Examination showed that the product consisted essentially of mineral oil, pine tar oil, and perfume.

**LABEL, IN PART:** (Bottle) "Vola Oil Hair and Scalp Lubricator \* \* \* Vola Laboratories Philadelphia 30, Pa."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the pictures on the streamer of a woman before and after using the product, one with thin hair and the other with a thick growth of hair, were false and misleading since the pictures represented and suggested that the article was effective to promote the growth of hair, whereas the article was not effective for such purposes.

**DISPOSITION:** June 6, 1949. Default decree of condemnation and destruction.

**2805. Misbranding of Theraplate (device). U. S. v. 80 Cartons \* \* \*. (F. D. C. No. 26981. Sample No. 41608-K.)**

**LIBEL FILED:** April 11, 1949, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about February 28, 1949, by Amrum Metal, Inc., from New York, N. Y.

**PRODUCT:** 80 cartons, each containing a guarantee card entitled "Guarantee Bond," a leaflet entitled "For best results read these Theraplate instructions carefully," and one *Theraplate* (device), at Chicago, Ill. The device consisted of a resistance wire imbedded in a glass plate and mounted on a metal base.

**LABEL, IN PART:** "Infra Appliance Corp., New York Theraplate."

**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 an effective treatment for the diseases and conditions stated and implied: (Card) " \* \* \* We guarantee relief from Arthritis, Rheumatism, Sinus conditions, Hay Fever \* \* \*" and (leaflet) "\* \* \* Sufferers from discomforts caused by Arthritis, Sinusitis, Phlebitis, Hay Fever, Rheumatism and other painful conditions, find satisfying relief in Theraplate's health rays \* \* \* For Treatment of Arthritic, Rheumatic and other chronic conditions \* \* \* Three such treatments per day will bring more satisfying, longer-lasting relief from the most agonizing pain \* \* \* For Treatment of Sinusitis, Hay Fever \* \* \* We guarantee relief from Arthritis, Rheumatism, Sinus conditions, Hay Fever \* \* \*."

**DISPOSITION:** June 1, 1949. Mandel Brothers, Inc., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered. The court ordered that the devices be released under bond for relabeling under the supervision of the Federal Security Agency.

**2806. Misbranding of Therm-Massage Infra-Red Heat Applicator. U. S. v. 42 Cartons \* \* \* (and 3 other seizure actions).** (F. D. C. Nos. 26954, 26955, 26974, 27159. Sample Nos. 3273-K, 41311-K, 41312-K, 51526-K.)

**LIBELS FILED:** March 24 and April 19 and 22, 1949, Northern District of Ohio, Western District of Washington, and District of Maryland.

**ALLEGED SHIPMENT:** Between October 30, 1947, and March 9, 1949, by Sibert & Co., from East Orange and Newark, N. J.

**PRODUCT:** 186 cartons at Cleveland, Ohio, 1,165 cartons at Seattle, Wash., and 9 cartons at Baltimore, Md. Each carton contained 1 *Therm-Massage Infra-Red Heat Applicator*. There also were quantities of accompanying printed matter, some of which had been shipped with the device and some of which had been shipped separately. The printed matter consisted of circulars, leaflets, and display cards entitled "Therm-Massage Infra-Red Heat Applicator," circulars entitled "Sunday, Dec. 12, 1948" and "Abraham & Strauss Brooklyn Sold Out in Three Hours," a newspaper mat entitled "Heat Massage Those Pains Away," display cards entitled "Relieve Pain Quickly," leaflets entitled "Earn Extra Profits" and "A Few Sales Results From Ads," and leaflets containing various newspaper reprints.

Examination showed that the device consisted of two pieces of molded bakelite, one serving as the handle and the other containing an electrically heated coil.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in the labeling of the device were false and misleading since the device was not effective for the purposes represented. The statements represented and suggested that the device was effective to relieve colds, sinusitis, rheumatic pains, muscular aches and pains, backaches, toothaches, stiff neck, sore throat, pains