

the formation of cartilage, and in the cure, mitigation, treatment, and prevention of allergy, pregnancy difficulties, hay fever, and asthma; that they would aid the liver in the formation of glycogen; that they would be efficacious in the formation of hemoglobin, in the production of antibodies against infection, and in counteracting rancidity in fats; that they would be efficacious in the formation of blood, development of membrane cells, and production of thyroid hormone and adrenaline; that they would provide resistance against disease; that they would be effective in the cure, mitigation, and treatment of ailments from the common cold to serious heart infection; that each article was a general cure for all poisonous conditions of the body cells however caused; that the articles would be efficacious in the control of gastric ulcers; that they would be effective in the cure, mitigation, treatment, and prevention of pneumonitis, rheumatic fever, asthma, rheumatic arthritis, emphysema, coronary sclerosis, arteriosclerosis, pernicious anemia, and most infections under the common cold; that they would assure one of protein vitality and provide sufficient heat and energy for normal needs; that they would be of value where the natural digestion is not working correctly; that they would be efficacious in the cure, mitigation, and treatment of many disorders of the body; that they would help insure against malnutrition and hypoproteinemia in childhood; and that they would be of benefit to persons who are only able to absorb or assimilate a portion of the proteins which they actually consume every day.

*Remin's Multi-Vitamin A-B-C-D Drops.* Misbranding, Section 502 (a), certain statements in booklets entitled "Remin's \* \* \* Descriptive Price List 1947" and "Facts About Vitamins, Amino Acids and Hydrolysates," accompanying the article, were false and misleading. The statements represented and suggested that the article would be efficacious in the cure, mitigation, treatment, and prevention of fatigue, sleeplessness, nervousness, neuritis, poor appetite, loss of strength, constipation, and skin disorders; that it would aid in building up resistance against colds and would improve a sense of nutritional well-being; that it would be efficacious in the prevention of poliomyelitis (infantile paralysis); and that it would be efficacious in preserving the integrity (health) of the liver and in preventing damage to the liver. The article would not be efficacious for these purposes and would not fulfill the promises of benefit stated and implied.

The articles were alleged also to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: September 19, 1949. A plea of guilty having been entered, the court imposed a fine of \$10.

**2965. Misbranding of Whitmer's Black Diamond Liniment, Whitmer's Eureka, and Whitmer's Red Carminative.** U. S. v. The H. C. Whitmer Co., Inc. Plea of guilty. Fine, \$500. (F. D. C. No. 26693. Sample Nos. 19438-K, 19441-K, 19442-K, 44020-K.)

INFORMATION FILED: June 2, 1949, Southern District of Indiana, against the H. C. Whitmer Co., Inc., Columbus, Ind.

ALLEGED SHIPMENT: On or about April 5, 19, and 24, 1948, from the State of Indiana into the States of Ohio and Kentucky.

LABEL, IN PART: "Whitmer's Black Diamond Liniment \* \* \* Active Ingredients: Turpentine Fractions, Linseed Oil, Camphor, Pine Oil," "Whitmer's Eureka Alcohol 15% \* \* \* Active Ingredients: Buchu, Uva Ursi, Culver Root, Juniper Berries, Alexander Senna, Caraway Seed, Gentian Root,

Cape Aloes, Hydrangea, Soda Benzoate, Soda Acetate," and "Whitmer's Red Carminative Alcohol 15% \* \* \* Active Ingredients: Red Pepper, Gum Camphor, Oil Cloves, Oil Cinnamon, Carbonate Soda, Yellow Root, Sage, Licorice Root, Raspberry Leaves, Dandelion Root."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in the labeling of the articles, which included circulars entitled "Whitmer's Black Diamond Liniment," "Whitmer's Eureka," and "Whitmer's Red Carminative," which accompanied the respective products, were false and misleading since the products would not be effective for the purposes claimed.

The false and misleading statements in the labeling represented and suggested:

That *Whitmer's Black Diamond Liniment* would be efficacious in the cure, mitigation, treatment, and prevention in man of wounds, burns, sprains, frost bites, itching, wry neck, and sores which follow injuries; that it would be efficacious to relieve in man the pain and soreness of wounds and to reduce in man the inflammation of wounds; and that it would be efficacious in the cure, mitigation, and treatment in animals of sore shoulders, sprains, bruises, wounds, all lumps and enlargements, nail wounds, and greased heel;

That *Whitmer's Eureka* would be efficacious in the treatment of catarrh of the urinary tract, especially acute cystitis; that the article would have a special effect on the liver; that it would be efficacious in the treatment of inflammatory conditions of the urinary organs, chronic constipation, and atonic conditions of the lower bowel; that it possessed a direct tonic action; that it would encourage a restoration toward normal conditions; that it was a stimulant to the gastric digestion; and that it would be efficacious in the treatment of atonic dyspepsia and similar complaints, chronic disorders of the genito-urinary tract, catarrhal conditions of the bladder and urinary passages, acidosis, and excessive acidity of the urine;

That *Whitmer's Red Carminative* would be efficacious for the relief of menstrual pains, and that it would be efficacious in the cure, mitigation, and treatment of sour stomach.

**DISPOSITION:** October 25, 1949. A plea of guilty having been entered, the court imposed a fine of \$500.

**2966. Misbranding of Miracle Oil and Miracle Inhalers. U. S. v. Irving Gartman (Sandy Sales Co.). Plea of guilty. Fine, \$300. (F. D. C. No. 26735. Sample No. 44341-K.)**

**INFORMATION FILED:** September 16, 1949, Southern District of Ohio, against Irving Gartman, trading as the Sandy Sales Co., Columbus, Ohio.

**INTERSTATE SHIPMENT:** Between the approximate dates of November 18, 1948, and January 7, 1949, from New York, N. Y., to Columbus, Ohio.

**LABEL, IN PART:** (Bottles) "Miracle A combination of Oil of Miracle, Oil of Eucalyptus, Oil of camphor, menthol, Oil of peppermint, thymol \* \* \* Distributors Sandy Sales Co. \* \* \* Cleveland 20, Ohio"; (inhalers) "Miracle Inhaler."

**ALLEGED VIOLATION:** On or about January 14, 1949, while the *Miracle Oil* and the *Miracle Inhalers* were being held for sale after shipment in interstate commerce, the defendant caused various posters to accompany the articles, which acts of the defendant resulted in the articles being misbranded,