

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,

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the posters were false and misleading. The statements represented and suggested that the *Miracle Oil* and the *Miracle Inhaler* in combination with each other would be efficacious in the cure, mitigation, and treatment of head colds, hay fever, arthritis, earache, sinus trouble, rose fever, neuritis, chest colds, asthma, rheumatism, sprains, lumbago, catarrh, bronchitis, swollen joints, sciatica, and bursitis; that the articles would be efficacious in the cure, mitigation, and treatment of pulmonary tuberculosis and microbic diseases of the lungs and bronchial tubes, affections of the nose, rhinitis, tonsillitis, laryngitis, lobar pneumonia, broncho-pneumonia, empyema, otitis media, mastoiditis, adenoids, pharyngitis, adenitis, pleurisy and myositis (inflammation of the muscles); and that the articles would be efficacious to prevent malarial fever. The articles would not be efficacious for such purposes.

DISPOSITION: December 16, 1949. A plea of guilty having been entered, the court imposed a fine of \$300.

2967. Misbranding of Ko-rekT (dental device). U. S. v. Demetrie C. Siampaus (Siampaus Mfg. Co.) Plea of nolo contendere. Fine, \$100. (F. D. C. No. 26736. Sample No. 21860-K.)

INFORMATION FILED: September 28, 1949, District of Nebraska, against Demetrie C. Siampaus, trading as the Siampaus Mfg. Co., Omaha, Nebr.

ALLEGED SHIPMENT: On or about October 13, 1948, from the State of Nebraska into the State of Missouri.

PRODUCT: Examination showed that the *Ko-rekT* (dental device) consisted essentially of two counter-rotating rubber discs mounted on metal shafts, turned by a hand crank for the purpose of cleaning the teeth and massaging the gums.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in accompanying leaflets headed "Throw Away Your Tooth Brush," "Turn on that Smile with Ko-RekT," and "Startling New Discovery," were false and misleading. The statements represented and suggested that the device would prevent and heal gum infections, prevent tooth decay, heal pyorrhea, keep the gums and mouth healthy, eliminate tartar formation, force blood circulation to every part of the gum tissues, and stop bacteria at the gum line. The device would not fulfill the promises of benefits stated and implied.

DISPOSITION: December 15, 1949. A plea of nolo contendere having been entered, the court imposed a fine of \$100.

2968. Misbranding of Healthomatic devices. U. S. v. 6 Devices, etc. (F. D. C. No. 28235. Sample No. 52061-K.)

LIBEL FILED: October 21, 1949, Northern District of Ohio.

ALLEGED SHIPMENT: During March and July 1949, by the Goodhealth Associates, from Bala-Cynwyd, Pa.

PRODUCT: 6 *Healthomatic devices* at Cleveland, Ohio, together with a number of booklets entitled "The Road To Health." The device was similar in construction to a wheelless bicycle. The pedals and handle bars could be moved by the operator or activated by an electric motor.

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 for the purposes stated and implied: (on device) "Healthomatic Physical Activity Protects Health Perfection of Body Peace of Mind" and