

3576. Misbranding of Delcreo emulsion and Delcreo soluble sulfur compound capsules. U. S. v. 39 Bottles, etc. (and 1 other seizure action). (F. D. C. No. 30871. Sample Nos. 28996-L to 28999-L, incl.)

LIBELS FILED: April 5, 1951, District of Oregon.

ALLEGED SHIPMENT: On or about January 19, 1951, by Delson Chemical Co., Inc., from Brooklyn, N. Y.

PRODUCT: 39 4-ounce bottles and 56 2-ounce bottles of *Delcreo emulsion* and 25 50-capsule boxes and 25 25-capsule boxes of *Delcreo soluble sulfur compound capsules* at Portland, Oreg.

LABEL, IN PART: (Bottle) "Delcreo * * * An Emulsion containing Creosote Carbonate (Delson), Calcium Hypophosphites, Sodium Hypophosphites, Potassium Hypophosphites. Improved Formula with Thiamin Hydrochloride, Vitamin B₁ Added" and (box) "Delcreo Soluble Sulphur Compound Capsules Active ingredient, sulphur in the form of sulphides."

NATURE OF CHARGE: *Delcreo emulsion*. Misbranding, Section 502 (a), certain statements on the label of the article, in an accompanying circular entitled "Delcreo * * * Improved Formula," and in a leaflet entitled "Delcreo 'Tone Up' Twins for Your Dog or Cat" were false and misleading. The statements represented and suggested that the article was effective to assist and stimulate the natural forces of the body; that it was a tonic and conditioner; that it was an effective treatment for infectious diseases of dogs, cats, and foxes, including bronchitis, catarrh, colds, diarrhea, distemper, intestinal infections, pneumonia, infections involving the lungs, and tuberculosis; that it was an effective treatment for colds, influenza, and pneumonia of children and adult human beings; that it was a preventive against canine distemper, which could be used to produce an immunity against that disease; and that it would aid appetite, digestion, and assimilation. The article would not fulfill the promises of benefit claimed, and it was not effective for the purposes stated and implied.

Delcreo soluble sulfur compound capsules. Misbranding, Section 502 (a), certain statements on the label of the article and in an accompanying circular entitled "Delcreo Soluble Sulfur Compounds" were false and misleading. The statements represented and suggested that the article was effective as a tonic alterative, germicide, disinfectant, and insecticide; that it was an effective treatment for skin diseases, rheumatism, gout, arthritis, and eczema; and that it would heal sores, abrasions, long-standing ulcers, bedsores "and the like." The article would not fulfill the promises of benefit claimed, and it was not effective for the purposes stated and implied. In addition, the statements on the label and in the circular exaggerated the value of sulfur and sulfur compounds since sulfur and sulfur compounds have a very limited usefulness in medicine and veterinary medicine.

DISPOSITION: August 15, 1951. Default decrees of condemnation and destruction.

3577. Misbranding of rubber prophylactics. U. S. v. 2 Vending Machines * * * (F. D. C. Nos. 31228, 31229. Sample Nos. 31682-L, 31683-L.)

LIBEL FILED: July 6, 1951, Southern District of Illinois.

ALLEGED SHIPMENT: On or about March 1, 12, 14, and 15, 1951, a number of *rubber prophylactics* were shipped from East Newark, N. J., to Chicago, Ill.

PRODUCT: 2 vending machines, each machine containing an unknown number of *rubber prophylactics* at Springfield, Ill.

RESULTS OF INVESTIGATION: The vending machines were serviced and labeled by Paul Paradise, owner of National Sanitary Sales, Chicago, Ill.

NATURE OF CHARGE: Misbranding, Section 502 (a), the statement appearing on the machines containing the article, namely, "Protex prophylactics are manufactured under the supervision of the Federal Pure Food and Drug Administration" was false and misleading since the prophylactics had not been manufactured under the supervision of the Federal Food and Drug Administration. The article was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: September 7, 1951. Default decree of condemnation and destruction.

3578 Misbranding of Exercycle device. U. S. v. 5 Devices, etc. (F. D. C. No. 28036. Sample Nos. 46689-K, 46695-K.)

LIBEL FILED: October 7, 1949, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 14 and September 22, 1949, the devices were shipped in the name of the Exercycle Corp. of New York, from Hartford, Conn., to Pittsburgh, Pa.; and on or about June 30, 1949, the Exercycle Corp. of New York shipped from New York, N. Y., 200 copies of a large post card entitled "Now you can Rent an Exercycle."

PRODUCT: 5 *Exercycle* devices at Pittsburgh, Pa., in the possession of the Exercycle Co. of Pittsburgh, together with 200 large post cards and 200 small post cards. Both sizes of post cards were entitled "Now you can Rent an Exercycle." The Exercycle Co. of Pittsburgh caused 200 copies of the small post cards to be printed locally.

Examination showed that the *Exercycle* was a device resembling a wheel-less bicycle, operated by an electric motor to produce motion of the pedals, seat, and handle bars.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the large and small post cards accompanying the device were false and misleading since the device was not effective to accomplish the results stated and implied:

"* * * To help reduce waist - hips - thighs and look years younger! Helps reduce waistline makes chest expansion more complete * * * aids in relief of muscle soreness helps correct common form of constipation improves circulation * * * improves posture * * * helps reduce hips, thighs, buttocks * * * Exercycle is the easy way to help take off pounds and streamline the figure so that it looks right in today's fashions * * * After normal weight is reached, Exercycle helps keep you slender * * * Excellent for helping correct constipation caused by sedentary habits. * * * helps strengthen abdominal muscles * * * helps strengthen back muscles * * *."

The device was alleged to be misbranded when introduced into, while in, and while held for sale after shipment in interstate commerce.

DISPOSITION: November 9, 1951. The Exercycle Co. of Pittsburgh, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the devices be released under bond for relabeling, under the supervision of the Federal Security Agency.