

PRODUCT: 26 cartons, each containing 12 bottles, of *Gum-Tone* at Fargo, N. Dak. Analysis showed that the product was a powder containing sodium perborate 18.9%, soda, salt, calcium carbonate, and riboflavin.

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statements "Gum-Tone * * * Treatment for pyorrhea, gingivitis, bleeding gums, sore gums Massage gums and teeth twice daily for healthy oral conditions" were false and misleading since the article would not fulfill such promises of benefit.

Further misbranding, Section 502 (e) (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each active ingredient.

DISPOSITION: February 28, 1952. The owner of the product having agreed to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

3697. Misbranding of Color-Therm device. U. S. v. 1 Device * * *.
(F. D. C. No. 32458. Sample No. 55196-K.)

LIBEL FIELD: February 13, 1952, Western District of Oklahoma.

ALLEGED SHIPMENT: On or about October 14, 1948, by Fred Gerkey, from Mission, Kans.

PRODUCT: 1 *Color-Therm device* at Oklahoma City, Okla. The device consisted of tubes for producing colored lights similar to neon lights, together with electrical connections needed for operating them.

LABEL, IN PART: "Color Therm Dr. Fred Gerkey Mission, Kansas."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements appearing in the instruction sheet shipped with the device were false and misleading since they represented and suggested that the device was effective in the treatment of any disease condition and, in particular, disorders of the liver and eyes, female trouble, sinus trouble, asthma, and nervousness, whereas it was not effective for such purposes.

DISPOSITION: April 2, 1952. Default decree of condemnation. The court ordered that the device be delivered to the Food and Drug Administration for exhibit and educational purposes.

3698. Misbranding of Howard Cabinet devices. U. S. v. 2 Devices, etc. (F. D. C. No. 29401. Sample No. 81190-K.)

LIBEL FILED: July 14, 1950, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 24, 1950, by Mr. O's Products, from Huntington Park, Calif.

PRODUCT: 2 *Howard Cabinet devices* and 100 circulars entitled "The Howard Original Cabinet" at Bala-Cynwyd, Pa.

The device consisted of a masonite and plywood box or cabinet, which was closed with curtains equipped with a zipper. Holes in the curtains permitted the head and arms to remain outside the cabinet. The cabinet contained a chair, an electric heating unit, a blower, a pan to hold water, and a timing device.

LABEL, IN PART: "The Howard Original Cabinet Model 1700 FL."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the above-mentioned circulars which accompanied the devices were false and misleading. The statements represented and suggested that the device would

make one feel younger, relax nerves, relieve tired feeling, help faulty complexion, improve circulation, help relieve pains, reduce weight, relieve heavy colds, aid in breaking up certain types of internal congestion, aid liver and kidneys, help overcome effects of excessive drinking, relieve some types of headaches, induce sleep, aid women in keeping their figures, complexion, and health, help keep off excessive weight, make one feel better, help women during menstrual periods and while going through the change, aid in tapering down swollen legs and bulging hips, aid in treating arthritis and rheumatism, improve general health, rid the body of impurities through perspiration, relieve aching muscles and joints, restore vitality, and relax overwrought nerves of the nervous and physically exhausted. The device was not effective for the purposes stated and implied.

DISPOSITION: December 20, 1950. The Healthomatic Corp., Bala-Cynwyd, Pa., 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.

DRUGS FOR VETERINARY USE

3699. Misbranding of Alkatone. U. S. v. 15 Bottles, etc. (F. D. C. No. 32491. Sample Nos. 35411-L, 35412-L.)

LABEL FILED: February 4, 1952, Southern District of Iowa.

ALLEGED SHIPMENT: On or about November 6 and 13, 1951, by the Peerless Serum Co., Kansas City, Mo.

PRODUCT: 15 1-pound bottles and 22 5-pound cans of *Alkatone* at Des Moines, Iowa, and a price list entitled "Peerless June 15, 1950 Price List."

LABEL, IN PART: (Bottle and can) "Alkatone (With Nicotinic Acid) Poison * * * Contains: Sodium Hydroxide 10%, Nicotinic Acid, Copper Sulphate, Sodium Thiosulphate, Methylene Blue, Sodium Bicarbonate, Salt, Oil Anise."

NATURE OF CHARGE: Misbranding, Section 502 (a), the designation "Alkatone" on the label and the following statements appearing in the price list accompanying the article were false and misleading: "Alkatone (With Nicotinic Acid). Nicotinic acid has been found to be a beneficial factor in the treatment of the majority of outbreaks of necrotic enteritis, including the so-called 'Bloody Diarrhea' type, and aids in the control of these conditions." The designation and statements represented and suggested that the article was an alkalizing tonic and was effective in the treatment of necrotic enteritis and bloody diarrhea in animals, whereas it was not an alkalizing tonic and would not be effective for the purposes so represented.

DISPOSITION: April 1, 1952. Default decree of condemnation and destruction.

3700. Misbranding of Rex Hunters Dog Powders. U. S. v. 73 Cartons * * *. (F. D. C. No. 31313. Sample No. 24880-L.)

LABEL FILED: July 3, 1951, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 30 and November 8, 1950, by J. Hilgers & Co., from Binghamton, N. Y.

PRODUCT: 73 cartons of *Rex Hunters Dog Powders* at Harrisburg, Pa.

LABEL, IN PART: "Rex Hunters Dog Powders Contains: Arsenic Trioxide 1/50 grain, Phenolphthalein, Iron and Ammonium Citrate, Potassium Iodide, Calcium Phosphate, Precipitated Sulphur * * * Contents: 40 Powders in tablet form."