fit made for it, and it would not be effective for the diseases and conditions stated and implied. The device was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: May 8, 1953. Default decree of condemnation. The court ordered that the generator or transformer of the device be turned over to the Department of Physics of the North Dakota State College and that the remainder of the device be destroyed.

4040. Misbranding of Calozone (also known as Vitozone) device. U. S. v. 3 Devices, etc. (F. D. C. No. 34164. Sample No. 2256–L.)

LIBEL FILED: December 16, 1952, Southern District of Florida.

ALLEGED SHIPMENT: About May 1952, John I. Crowder, Artesia, Fla., transported 1 device from the State of California to Artesia, Fla. Subsequently 2 more devices were shipped to John I. Crowder from the State of California.

PRODUCT: 1 device known alternatively as "Calozone" and "Vitozone" and a booklet entitled "Ozone Therapy by O. M. Justice, M. D.," at Artesia, Fla., and 1 device at Merritt Island, Fla., and 1 at Cocoa, Fla.

Examination showed that the device consisted essentially of a group of tubes, which, when activated by an electric current, fluoresced with production of ozone in the surrounding air.

NATURE OF CHARGE: Misbranding, Section 502 (a), the labeling of the device, namely, the above-mentioned booklet, contained statements which were false and misleading. These statements represented and suggested that the device would prevent disease and act as a specific in many diseases, and that it was effective in the treatment of adenitis, swelling of the breasts, angina pectoris, alopecia, falling of the hair, arthritis, asthma, arteriosclerosis, backache, biliousness, bronchitis, bursitis, colitis, colds, sore chest, constipation, dandruff, deafness, erysipelas, earache, eczema, high blood pressure, indigestion, jaundice, leucorrhea, mumps, nervousness, pleurisy, prostate trouble, pneumonia, pelvic disturbances, psoriasis, quinsy, sore throat, rheumatism, rectal disturbances, sleeplessness, sinus trouble, tuberculosis, varicose veins, and wrinkles. The device was not effective for such purposes, and it was not effective in the treatment of such conditions.

DISPOSITION: January 22 and February 12, 1953. No claim having been made for the device located at Artesia, Fla., which was the only device seized, judgment of condemnation was entered. The court ordered that the device be delivered to the Food and Drug Administration for experimental use.

INDEX TO NOTICES OF JUDGMENT D. D. N. J. NOS. 4021 TO 4040

PRODUCTS

U. S. Department of Health, Education, and Welfare

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

4041–4060

DRUGS AND DEVICES

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare, and include, where indicated, the results of investigations by the Department, prior to the institution of the proceedings. Published by direction of the Secretary of Health, Education, and Welfare.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *January 11, 1954.*

CONTENTS*

*For presence of a habit-forming narcotic without warning statement, see Nos. 4041, 4044; omission of, or unsatisfactory, ingredients statements, Nos. 4041, 4051, 4053; failure to bear a label containing an accurate statement of the quantity of the contents, Nos. 4041, 4044; failure to bear a label containing the name and place of business of the manufacturer, packer, or distributor, Nos. 4041, 4044.

282685—54——1

DRUGS ACTIONABLE BECAUSE OF POTENTIAL DANGER WHEN USED ACCORDING TO DIRECTIONS

4041. Misbranding of various drugs. U. S. v. James Allen Nolen (Radium Springs Sanitarium). Plea of nolo contendere. Defendant fined $2,000 and placed on probation for 1 year. (F. D. C. No. 30592. Sample Nos. 70301–K, 70304–K, 70722–K, 70723–K, 76931–K to 76943–K, incl., 85796–K to 85799–K, incl.)

INFORMATION FILED: July 24, 1951, Northern District of Oklahoma, against James Allen Nolen, trading as the Radium Springs Sanitarium, Salina, Okla.

ALLEGED SHIPMENT: Between the approximate dates of December 11, 1949, and April 15, 1950, from the State of Oklahoma into the States of Missouri, Kansas, and Texas, of quantities of *tablets for pain and nerves, rheumatism and gland tablets, laxative for stomach and kidneys, V E tonic tablets and capsules, tablets for rheumatism, nerves, and diabetes, powder for the treatment of cancer, douche powder, tablets for "sick" stomach, tablets for sore throat, tonsil disorders, "flue," and fever, capsules for the condition known as change of life, tablets and capsules for the treatment of cancer,* and *tablets for nervousness and sleeplessness.*

PRODUCT: Analyses disclosed that the *tablets for pain and nerves* contained aspirin, acetophenetidin, caffeine, and starch; that the *rheumatism and gland tablets* contained sodium salicylate, potassium iodide, vitamin B_1, and riboflavin; that a portion of the *laxative for stomach and kidneys* contained magnesium sulfate, magnesium acetate, potassium acetate, an emodin-bearing drug such as cascara, reducing sugar, and alcohol, and that another portion of the laxative contained magnesium sulfate, potassium acetate, alcohol, reducing sugar, and emodin; that the *V E tonic tablets* contained a large amount of yeast and calcium carbonate; that the *V E tonic capsules* contained chiefly yeast and lecithin; that the *tablets for rheumatism, nerves, and diabetes* contained salicylamide, vitamin B_1, and magnesium salicylate equivalent to salicylic acid; that the *powder for the treatment of cancer* contained bismuth subnitrate, colloidal aluminum hydroxide, activated charcoal, and the mucilaginous coating of blond psyllium seed; that the *tablets for "sick" stomach* contained bismuth subnitrate and phenobarbital; that the *tablets for sore throat, tonsil disorders, "flue," and fever* contained sulfathiazole, sugar, and starch; that the *capsules for the condition known as change of life* contained estrone, cornstarch, and lactose; that the *douche powder* contained boric acid, ammonium alum, berberine, and phenolic substances; that the *tablets for the treatment of cancer* contained lactose, cornstarch, and a trace of phenobarbital; that the *capsules for the treatment of cancer* contained calcium carbonate, sucrose, cornstarch, lactose, and animal tissues; and that the *tablets for nervousness and sleeplessness* contained phenobarbital, pentobarbital, starch, and calcium carbonate.

NATURE OF CHARGE: *Tablets for pain and nerves.* Misbranding, Section 502 (a), the statement on the label of the article which represented and suggested that the article would be efficacious in the cure, mitigation, and treatment of disorders of the nerves was false and misleading since the article would not be efficacious for such purposes; and, Section 502 (e) (2), the label of the article failed to bear the common or usual name of each active ingredient of the article, namely, aspirin, acetophenetidin, and caffeine.