

4399. Misbranding of chlorine and hydrogen device. U. S. v. 2 Devices, etc.
(F. D. C. No. 36475. Sample Nos. 82326-L, 82327-L.)

LIBEL FILED: April 1, 1954, Western District of Oklahoma.

ALLEGED SHIPMENT: On or about March 20, 1948, by Rittenhouse & Revere, Inc., from Albuquerque, N. Mex.

PRODUCT: 2 *chlorine and hydrogen devices* at Oklahoma City, Okla., in possession of Dr. Charles H. McDonald, D. C., together with one copy of a booklet designated "Nascent Haloid Vapor * * * Treatment," one copy of a booklet designated "Diseases of the Nasal Accessory Sinuses," and one copy of a booklet designated "Catalog * * * Generator * * * Nascent Haloid Vapor * * * Rittenhouse & Revere, Inc.," a number of leaflets designated "Factors of Importance in the Treatment of Sinusitis," and a number of form letters designated "Dear Friend."

The device was assumed to be one for electrolyzing salt (sodium chloride) solution, and for producing hydrogen gas and chlorine gas, which were blown out of the device by means of a small electric fan through a delivery tube for administration to the patient.

RESULTS OF INVESTIGATION: The above-mentioned booklets were received by the consignee from the shipper of the product, and the leaflets and form letters were printed locally for use by the consignee to induce prospective patients to come to the consignee's office for treatment with the device.

LABEL, IN PART: (Nameplate) "Controlled E. M. F. Electro Chemical Analytic and Electrolytic Generator * * * Rittenhouse & Revere, Inc. Albuquerque, New Mexico."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the above-mentioned booklets, leaflets, and form letters accompanying the device were false and misleading. The statements represented and suggested that the device provided an adequate and effective treatment for sinus infections, respiratory diseases, rheumatoid arthritis, internal disease, acute and chronic rhinitis, bronchitis, catarrh, inflammation of the nose, chronic head cold, nose trouble, permanent nose infection, tonsillitis, laryngitis, asthma, and lung abscess, and for preventing kidney disease, gallbladder disease, urine bladder infections, ear disease, and meningitis. The device would not provide an adequate and effective treatment for such conditions and purposes. The device was misbranded when introduced into, while in, and while held for sale after shipment in, interstate commerce.

DISPOSITION: May 5, 1954. Default decree of condemnation. The court ordered that the devices under seizure, together with the booklets, leaflets, and letters, be delivered to the Food and Drug Administration.

4400. Misbranding of Vibra-Life Massage Chair. U. S. v. 7 Devices, etc.
(F. D. C. No. 35389. Sample No. 73423-L.)

LIBEL FILED: August 18, 1953, District of New Jersey.

ALLEGED SHIPMENT: On or about March 21, 1953, from Morristown, Tenn.

PRODUCT: 7 devices designated as *Vibra-Life Massage Chairs* at Atlantic City, N. J., in possession of the Vibra-Life Chair Co., together with a number of pamphlets entitled "Vibra-Life Vibrating Mechanical Massage Chairs" and a number of placards entitled "Vibra-Life Chair Co.," "Good Circulation is Good Health," "It vibrates for health & comfort," and "Relax In Comfort In A Vibra-Life Chair."

Examination showed that the chairs were of two types. One chair was a leisure lounge type, which rocked to the position of the body and then was locked into position. The other was a regular easy chair, but adjusted automatically with the motion of the body to any position, from sitting to reclining, without knobs or levers. Both types were equipped with a 1/50 hp. motor. A switch on the side of the chair started the motor, which would vibrate the chair for as long as desirable. The vibration would stop when the switch was turned off.

RESULTS OF INVESTIGATION: The above-mentioned pamphlets were printed for the consignee and distributed to prospective customers, while the above-mentioned placards were on display at the consignee's place of business.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the above-mentioned pamphlets and placards accompanying the device were false and misleading. The statements represented and suggested that the device provided an adequate and effective treatment for circulatory disorders, sore muscles, aches and pains, arthritis, rheumatism, varicose veins, asthma, neuritis, aching back, and sciatica, and that it would insure good health. The device would not provide an adequate and effective treatment for such conditions. The device was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: May 6, 1954. Default decree of condemnation. The court ordered that one complete chair be delivered to the Food and Drug Administration, together with a number of the pamphlets and one of the placards; that the remaining chairs be delivered to a charitable institution, after the motors and any nameplates and other identification marks had been removed; and that the motors so removed be delivered to another charitable organization.

INDEX TO NOTICES OF JUDGMENT D. D. N. J. NOS 4381 TO 4400

PRODUCTS

	N. J. No.		N. J. No.
Amphetamine hydrochloride tablets	¹ 4382	Estrogenic substance	4387
sulfate tablets	4383	Gallstones, remedy for	4395
Androgenic substance	² 4381	Gout, remedy for. <i>See</i> Rheumatism, remedy for.	
Anterior pituitary injectable tablets	4387	Herb Formula, Special	4397
Apple juice concentrate	4386	tea	4390, 4397
Arthritis, remedy for. <i>See</i> Rheumatism, remedy for.	4395	Hercules Tonic Tea No. 5 and Hercules Regulator Laxative and Diuretic Tea	4396
Bursitis, remedy for. <i>See</i> Rheumatism, remedy for.		Kidney stones, remedy for	4395
C-Tone	4398	Luasmin capsules	4391
Chamomile, German	4389	Lumbago, remedy for. <i>See</i> Rheumatism, remedy for.	
Chloral hydrate	4383	Massage Chair, Vibra-Life	4400
Chlorine and hydrogen device	4399	Methamphetamine hydrochloride tablets	4384
Chlorophyll formula	4395	Methantheline bromide tablets	4384
Devices	4388, 4399, 4400	Methylparafynol capsules	4385
Eprinal	4392		

¹ (4382) Prosecution contested.

² (4381) Injunction issued.

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]

4401-4420

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.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *July 20, 1955.*

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VIOLATIVE SALES OF PRESCRIPTION DRUGS

4401. Misbranding of methylparafynol capsules and methyltestosterone tablets. U. S. v. Claridge Pharmacy and Lester Weitzman. Pleas of guilty. Fine of \$100, plus costs, against pharmacy and \$300 against individual. (F. D. C. No. 35787. Sample Nos. 10104-L, 10108-L, 58981-L, 58982-L.)

INFORMATION FILED: April 14, 1954, Northern District of Illinois, against the Claridge Pharmacy, a partnership, Chicago, Ill., and Lester Weitzman, a partner and pharmacist in the partnership.

NATURE OF CHARGE: On or about June 4, 11, 21, and 30, 1953, while a number of *methylparafynol capsules* and *methyltestosterone tablets* were being held for sale at the Claridge Pharmacy, after shipment in interstate commerce, the defendants caused various quantities of the drugs to be dispensed without a prescription from a practitioner licensed by law to administer such drugs. Such acts of dispensing were contrary to Section 503 (b) (1), and resulted in the dispensed drugs being misbranded while held for sale.

DISPOSITION: May 10, 1954. The defendants having entered pleas of guilty, the court fined the partnership \$100, plus costs, and the individual \$300.

4402. Misbranding of methyltestosterone tablets and methantheline bromide tablets. U. S. v. Cecil E. Brown and Payton J. Powers. Pleas of guilty. Each defendant fined \$500 and sentenced to 3 months in jail. Jail sentence suspended and defendants placed on probation for 18 months. (F. D. C. No. 35770. Sample Nos. 69143-L, 69242-L, 69243-L, 69247-L.)

INFORMATION FILED: January 5, 1954, Northern District of Texas, against Cecil E. Brown and Payton J. Powers, pharmacists at the West Pharmacy, Plainview, Tex.

NATURE OF CHARGE: On or about June 13, 15, 20, and 29, 1953, while a number of *methyltestosterone tablets* and *methantheline bromide tablets* were being held for sale at the West Pharmacy, after shipment in interstate commerce, the defendants caused various quantities of the drugs to be dispensed without a prescription from a practitioner licensed by law to administer such drugs. Such acts of dispensing were contrary to Section 503 (b) (1), and resulted in the dispensed drugs being misbranded while held for sale.

DISPOSITION: May 4, 1954. The defendants having entered pleas of guilty, the court fined each defendant \$500 and sentenced each to 3 months in jail. The jail sentence was suspended, and the defendants were placed on probation for 18 months.

4403. Misbranding of methantheline bromide tablets, penicillin G crystalline potassium tablets, and a quantity of paraldehyde. U. S. v. Mark Begley and Eugene H. Hager. Pleas of guilty. Fine of \$100 against Eugene H. Hager and \$200 against Mark Begley, plus costs. (F. D. C. No. 35791. Sample Nos. 56982-L, 71053-L, 71055-L.)

INFORMATION FILED: February 26, 1954, Eastern District of Kentucky, against Mark Begley, a partner in the partnership of Begley Drug, Hazard, Ky., and against Eugene H. Hager, pharmacist for the partnership.

NATURE OF CHARGE: On or about April 28 and June 3, 1953, while a number of *methantheline bromide tablets*, *penicillin G crystalline potassium tablets*, and a quantity of *paraldehyde* were being held for sale at Begley Drug, after shipment