4589. Madam Wilder's Southern Herbs. (F. D. C. No. 37012. S. Nos. 86–332/3 L.)

QUANTITY: 683 16-oz. btls. at Cleveland, Ohio.

SHIPPED: During March, April, and May, 1954, from Detroit, Mich., by Gerald A. Stewart, d/b/a Vittonic Co.

RESULTS OF INVESTIGATION: Analysis showed that the product contained approximately 30.0 grams per 100 cc. of epsom salt, 0.8 gram per 100 cc. of sodium salicylate, saccharin, oil of clove, sodium phosphate, oil of peppermint, ferric and ammonium citrate, sodium bicarbonate, and oil of sassafras. Plant extractives other than volatile oils were not detected.

LIBELED: 7–19–54, N. Dist. Ohio.

CHARGE: 502 (a)—the bottle label of the article when shipped contained false and misleading representations that the article would be effective in the treatment of headaches, arthritic and rheumatic pains, indigestion, colds, constipation, coated tongue, impure blood, tired, dull, weak feelings, gastritis, and kidney trouble; and, 502 (f) (2), the article was essentially a laxative, and its labeling failed to bear a warning that frequent or continued use of the article may result in dependence on laxatives to move the bowels.

DISPOSITION: 10–1–54. Consent—destruction.

4590. EE-Sterilizer device. (Inj. No. 285.)

COMPLAINT FOR INJUNCTION FILED: 1–18–55, against Clarence E. Farris, t/a Igwtee and Igwt, at Truth or Consequences, N. Mex., to enjoin the interstate shipment of the above-mentioned device, which was misbranded.

ACCOMPANYING LABELING: Circulars entitled "This is the Famous EE Sterilizer," "Electronics Kill Diseases In The Body," "The New Twin Sisters," and "This Is That Professional Model."

CHARGE: The complaint alleged that the device consisted of a small radio transmitter which would give off radio waves of weak intensity when connected to an electrical outlet; that the defendant was engaged in selling and distributing in interstate commerce various models of the device, which were variously designated as "Hospital Model EE–Sterilizer Number H–109," "Cancer Research Model EE–Sterilizer Number HC–84," "Hospital Model EE–Sterilizer Number H–117," "Professional Model EE Sterilizer Model C," "EE Sterilizer Model B," "The New Twin Sisters Hospital Model H," and "Cancer Research Model–HC;" and that the device was misbranded as follows:

502 (a)—the accompanying labeling of the device contained false and misleading representations that the device was an adequate and effective treatment for bacterial infection, virus infection, poliomyelitis, sinus infection, prostate conditions, ear infections, tooth infections, infected tonsils, hand infection, colds, influenza, dysentery, sores, asthma, pimples, venereal disease, and all other infections of the body.

The complaint alleged further that if the defendant was forced by an injunction to refrain from using the existing labeling on interstate shipments of the device, the defendant would not discontinue interstate distribution of the device, but would, unless enjoined, continue to ship the device in interstate commerce without labeling stating the conditions and purposes for which the device was intended; and that in such case, the device would be misbranded under 502 (f) (1) in that its labeling would fail to bear adequate directions for use because of the omission from its labeling of statements of the conditions and purposes for which the device was intended.