

**DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND
MISLEADING CLAIMS***

DRUGS FOR HUMAN USE

1827. Misbranding of Figurene. U. S. v. Richard Barrett (The Figurene Co.).
Plea of nolo contendere. Fine, \$25. (F. D. C. No. 16537. Sample No.
70128-F.)

INFORMATION FILED: August 27, 1945, Southern District of California, against
Richard Barrett, trading as the Figurene Co., Beverly Hills, Calif.

ALLEGED SHIPMENT: On or about June 1, 1944, from the State of California into
the State of Utah.

PRODUCT: Analysis disclosed that the product consisted of particles of karaya
gum with some small amounts of adherent bark.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the
label of the article were false and misleading since they represented and cre-
ated the impression that the article would be efficacious in the acquisition of
a figure which men would admire and which women would envy; that the
article would help to reduce caloric intake; and that its use would be efficacious
to reduce excess weight in cases of individuals overweight for their sex, age,
and height, when such condition was caused by other than glandular disturb-
ances. The article would not be efficacious for such purposes.

DISPOSITION: September 10, 1945. A plea of nolo contendere having been en-
tered, the court imposed a fine of \$25.

1828. Misbranding of Sul-Vito Bath. U. S. v. 29 Bottles of Sul-Vito Bath, and 55
circulars. Decree of condemnation and destruction. (F. D. C. No. 16628.
Sample No. 27006-H.)

LABEL FILED: June 21, 1945, District of Wyoming.

ALLEGED SHIPMENT: On or about April 7, 1945, by Queen City Supply, Denver,
Colo.

PRODUCT: 29 ½-pint bottles of *Sul-Vito Bath* and 55 circulars entitled "Sul-Vito
Calcium Poly Sulphide Solution," at Cheyenne, Wyo. Analysis showed that the
product consisted essentially of calcium polysulfide and water.

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements on
the label of the article and in the circulars were false and misleading since they
represented and suggested that the addition of the article to the bath water
would produce benefit beyond that which may be obtained by bathing in warm
water, whereas the addition of the article to the bath water would not produce
the benefit so represented and suggested: (Label) "For reducing baths use in
conjunction with reducing diets or treatments"; (circulars) "Have you ever
traveled to some famous Hot-springs resort, at great expense and inconvenience,
to obtain the beneficial and healthful delight only obtained from a series of Hot
Sulphur Baths? Sul-Vito now offers many of the beneficial effects obtained
at Hot Sulphur Springs—in the comfort and privacy of your own bathroom.
Sul-Vito for relief of any non-systemic and nonorganic disturbance. * * *
The most important uses of Sulphur are external. When brought in contact
with the skin, especially in the presence of alkalies, there occurs a chemical
reaction with the formation probably of hydrogen sulfide. The alkaline sul-
phide thus formed is an active poison to various pathogenic parasites, and
sulphur therefore is a useful remedy in such diseases as scabies, ringworm,
and favus. Besides this effect, the sulfides by their local stimulating effects
tend to overcome congestion in the skin, and they have the power of softening
the horny elements. For one of the other effects, sulphur is a valuable remedy
in a number of non-parasitic diseases of the skin, especially acne, psoriasis,
seborrhea, etc. Sul-Vito can be used for the easing of sore and tired, aching
muscles caused by overwork, strain, or colds. Sul-Vito can be used for the relief
of arthritic, neuritic, and rheumatic pains and for reducing swollen muscles
and joints. Sul-Vito can be used for the soothing of hot, itching, irritated skin
caused by some forms of eczema, acne, or ringworms. Sul-Vito can be used for
the quieting and soothing of excessive nervousness and aid in producing sound,
undisturbed sleep. Sul-Vito can be used for benefiting the evils and discom-
forts caused by athletes foot, and assist in reducing foot odors. * * * Sul-

*See also Nos. 1801, 1802, 1805-1808, 1810, 1811, 1816, 1817, 1823-1826.

Vito can be used as a reducing agent, and aids any therapeutic, massage, or dietetic system of reduction. Rub dry, wrap up in blankets and retire."

DISPOSITION: October 19, 1945. Queen City Supply, claimant, having authorized the entry of a decree, judgment of condemnation was entered and the product and circulars were ordered destroyed.

1829. Misbranding of DMC Compound No. 49. U. S. v. 22 Jars of DMC Compound No. 49, and 175 circulars. Default decree of condemnation and destruction. (F. D. C. No. 16668. Sample No. 2763-H.)

LABEL FILED: July 5, 1945, Western District of Virginia.

ALLEGED SHIPMENT: On or about February 3, 1945, by the Dixie Medicine Corporation, from Charlotte, N. C.

PRODUCT: 22 jars of *DMC Compound No. 49* at Charlottesville, Va., together with 175 circulars entitled "Do You Suffer From Arthritis or Rheumatism?"

Analysis showed that the product contained sodium and potassium salts of tartaric acid, sulfur, sodium salicylate, and licorice.

LABEL, IN PART: "DMC Compound No. 49 A Balanced Formula Intended for the Relief of Muscular Aches and Pains."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the circular were false and misleading since they represented and suggested that the article would be effective in the treatment of arthritis and rheumatism, whereas it would not be effective for such purposes.

DISPOSITION: December 3, 1945. No claimant having appeared, judgment of condemnation was entered and the product and circulars were ordered destroyed.

1830. Misbranding of G-T Alterative-Nervine. U. S. v. 65 Bottles of G-T Alterative-Nervine. Default decree of condemnation and destruction. (F. D. C. No. 16670. Sample No. 1011-H.)

LABEL FILED: July 3, 1945, Northern District of Georgia.

ALLEGED SHIPMENT: On or about April 12, 1945, by Ar-Ell Drug Products, from Cleveland, Ohio.

PRODUCT: 65 4-ounce bottles of *G-T Alterative-Nervine* at Atlanta, Ga.

Analysis showed that the article consisted essentially of ammonium chloride, approximately 4½ grains per fluid ounce, gold and sodium chloride, approximately 1/7 grain per fluid ounce, and water.

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statement "Alterative-Nervine" was false and misleading since the article was not an alterative and would have no effect on the nerves.

DISPOSITION: September 4, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1831. Misbranding of Ma-Ta Liquid and Ma-Ta Powder. U. S. v. 54 Bottles of Ma-Ta Liquid, 13 Packages of Ma-Ta Powder, and 33 leaflets. Default decree of condemnation and destruction. (F. D. C. No. 16700. Sample Nos. 929-H, 930-H.)

LABEL FILED: July 27, 1945, Southern District of Florida.

ALLEGED SHIPMENT: By the Mafoliata Corporation, from Chicago, Ill., on or about April 25, 1945. The leaflets were shipped from Chicago, Ill., on a date unknown.

PRODUCT: 54 1-quart bottles of *Ma-Ta Liquid* and 6 15-gram packages and 7 125-gram packages of *Ma-Ta Powder* at West Palm Beach, Fla., and a number of leaflets entitled "Ma-Ta Mafoliata."

Examination showed that the powder consisted essentially of an extract of plant material, including the alkaloid berberine; and that the liquid consisted essentially of the same substance in water, containing a small proportion of sodium benzoate.

LABEL, IN PART: "Liquid 'Ma-Ta' (Mafoliata)," "Powder Ma-Ta (Mafoliata)," or "Ma-Ta Powder."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the leaflets accompanying the articles were false and misleading since they represented and suggested that the articles would be effective in the treatment of acne, acute septicemia, arthritis, asthma, athlete's foot, abscesses in ear drums, bronchial troubles, burns, cancer, carbuncles, cartilaginous tumors, common colds, constipation, cuts, lacerations, and bruises, diabetes, duodenal ulcers,