

The article was alleged also to be misbranded under the provisions of the law applicable to cosmetics, as reported in notices of judgment on cosmetics.
DISPOSITION: June 21, 1948. Default decree of condemnation and destruction.

2541. Misbranding of Valens Ano-Perineal Support, ointment, and suppositories. U. S. v. (Dr.) George Starr White. Plea of nolo contendere. Defendant placed on probation for 4 years. (F. D. C. No. 15496. Sample No. 50318-F.)

INFORMATION FILED: April 24, 1945, Southern District of California, against (Dr.) George Starr White, Los Angeles, Calif.

ALLEGED SHIPMENT: On or about January 4, 1944, from the State of California into the State of Pennsylvania. Shipped with the drugs and device was a circular entitled "Directions for the use of Valens Ano-Perineal Support" and a booklet entitled "Points in Anatomy Physiology Hygiene."

PRODUCT: The *Valens Ano-Perineal Support* consisted of a hard, smooth ellipsoid suspended on a braided cord, with a belt to be worn about the waist. The braided cord was designed to be attached to the belt, so that the ellipsoid would be held in place. Its purpose was to support the anal region. The *ointment* consisted essentially of zinc oxide, small proportions of a bismuth compound, a sulfide, and volatile oils, in an oily base. The suppositories consisted essentially of extracts of plant drugs in a cocoa butter base.

NATURE OF CHARGE: *Valens Ano-Perineal Support*. Misbranding, Section 502 (a), certain statements in the circular and booklet were false and misleading. These statements represented and suggested that the device, when used alone or in conjunction with the *ointment* and *suppositories*, would be efficacious in the treatment and prevention of piles or itching anus, in preventing congestion in the lowest-down part of the pelvis or the ano-perineal region, in the treatment and prevention of fistulas and the form of neuritis known as "sciatica," in the treatment and prevention of severe headaches, stomach sickness, "all-gone feeling," bloating after meals or "at any time," dizziness, forgetfulness, lack of power to concentrate, itching of the skin on any part of the body, itching of the pelvic parts, itching about the anus, itching about the sexual organs, fear, melancholia, weariness after the slightest exertion, shooting pains through the abdomen as well as through the pelvis, pains in the knees and general feeling of fatigue, and the similar conditions indicated by the expression etc.; that the device, when used alone or in conjunction with the *ointment* and *suppositories*, would be efficacious in the cure, mitigation, treatment, and prevention of bleeding hemorrhoids (piles), protruding piles, blind piles (piles within the rectum), external piles, little cracks or fissures about the anus, itching about the anus or genitals, irritability about the anus or external genitals, constipation with a "dry stool," constipation with a mucous stool, partial paralysis of the lower bowel, irritability of the urinary bladder, irritability in the urethra with a "burning sensation" when urinating, frequent desire to urinate, "never-get-thru" feeling after bowel movement or after urination, "crawling sensation" about the anus, buttocks, or external genitals, pains in the pelvic nerves, especially the sciatic nerve, pains in the knees and calves of the legs, "cold sensation" in the lower limbs, especially in the feet, varicose veins in the lower limbs, sexual weakness and general feeling of being "all tired out," "crotch pains" that seem to be "deep down in the bones," and prostatic trouble in males and female troubles in women; that the device would exert a helpful and natural influence on the entire alimentary tract; that it would be an effective treatment for all troubles in the pelvis or in the sexual organs; and that tobacco smoking and nicotine are largely responsible for piles. The device, when used alone or in conjunction with the *ointment* and *suppositories*, would not be efficacious for the purposes represented and suggested; furthermore, tobacco smoking and nicotine are not largely responsible for piles.

Ointment and *suppositories*. Misbranding, Section 502 (b) (1), the products were in package form and failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor; Section 502 (b) (2), the products failed to bear an accurate statement of the quantity of the contents, since the containers bore no labels containing a statement of a quantity of the contents; and, Section 502 (e), the products were not designated solely by names recognized in an official compendium and were fabricated from two or more ingredients, and they failed to bear a label containing the common or usual name of each active ingredient.

DISPOSITION: May 21, 1945. A plea of nolo contendere having been entered, imposition of sentence was suspended for 4 years and the defendant was placed on probation for that period of time.

2542. Misbranding of Dry Clime infrared lamps. U. S. v. 23 * * *. (F. D. C. No. 24711. Sample No. 30585-K.)

LIBEL FILED: April 9, 1948, Southern District of California.

ALLEGED SHIPMENT: On or about February 24 and 26, 1948, by the Dry Clime Lamp Corp., from Greensburg, Ind.

PRODUCT: 23 *Dry Clime infrared lamps* at Los Angeles, Calif., together with 250 circulars entitled "Dry Clime Lamp." Examination showed that the lamps consisted of a stand holding a reflector and an electrical heating unit.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the labeling of the article were false and misleading. These statements represented and suggested that the article would bring a dry desert climate in the bedroom; that it would be effective in the treatment of acute and chronic conditions, colds, coughs, "stuffiness" or sinus headaches, infected sinuses, asthma, bronchial cough and attacks, any respiratory conditions made worse by cold, damp air and benefited by a warm, dry, desert climate, croup attacks, rheumatism, arthritis, neuritis, muscular aches and pains, acute and chronic respiratory conditions, bronchitis, and sinus conditions and sinus pains; that its use would result in easier breathing and more restful sleep; and that the article would clear the nasal passages, relieve congestion, and minimize coughing. The article would not be effective for those purposes.

DISPOSITION: July 2, 1948. The Dry Clime Lamp Corp., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

DRUGS FOR VETERINARY USE

2543. Misbranding of Dr. Schultz Vitalic Egg-Maker, Dr. Hisom Colic Medicine, Dr. Hisom's German Fistula Remedy, Vena-Cide Powder, and Dr. Schultz's Chick Tablets. U. S. v. Picard Pharmacy, Inc. (Venus Wholesale Co., Dr. Hisom Laboratories, and The Chlorine Chemical Co.), and Lawrence J. Doud and Ralph R. Reemts. Pleas of nolo contendere. Fine of \$75 and costs against defendants jointly. (F. D. C. No. 23263. Sample Nos. 20637-H, 68541-H to 68543-H, incl., 68545-H.)

INFORMATION FILED: January 30, 1948, District of Nebraska, against Picard Pharmacy, Inc., trading under the names of the Venus Wholesale Co., Dr. Hisom Laboratories, and The Chlorine Chemical Co., at Geneva, Nebr., and against Lawrence J. Doud, president of the corporation, and Ralph R. Reemts, secretary.

ALLEGED SHIPMENT: On or about February 21, March 12 and 29, and April 7, 1947, from the State of Nebraska into the State of Kansas.

PRODUCT: Analysis disclosed that the *Dr. Schultz Vitalic Egg-Maker* consisted essentially of mineral salts containing 23.23 percent of calcium, 3.40 percent of phosphorus, 2.99 percent of iron, 9.81 percent of sodium chloride, a manganese compound, charcoal, and plant material including nux vomica and quassia; that the *Dr. Hisom Colic Medicine* consisted of an alcoholic solution containing plant extractives, with aconite indicated; that the *Dr. Hisom's German Fistula Remedy* consisted of a solution containing approximately 0.8 gm. arsenic trioxide per 100 cc.; that the *Vena-Cide Powder* consisted of a weak calcium hypochlorite; and that the *Dr. Schultz's Chick Tablets* consisted chiefly of zinc sulphocarbolate, copper sulfate, boric acid, and dextrose.

LABEL, IN PART: (Bag) "Dr. Schultz Vitalic Egg-Maker & General Conditioner * * * Dr. Schultz-Veterinary Laboratories Geneva, Nebr." or (tag) "Dr. Schultz Vitalic Egg-Maker * * * Sole Midwest Distributors Venus Wholesale Co. Geneva, Nebr."; (carton) "Dr. Hisom Colic Medicine * * * Venus Wholesale Co."; (bottle) "Dr. Hisom's German Fistula Remedy * * * Dr. Hisom Laboratories"; (can) "Vena-Cide Powder * * * The Chlorine Chemical Co."; and (can) "Dr. Schultz's Chick Tablets * * * Manufactured for The Venus Wholesale Co."

NATURE OF CHARGE: *Dr. Schultz Vitalic Egg-Maker.* Misbranding, Section 502 (a), certain statements on the label of the article, and in a circular entitled