2743. Misbranding of Gen-Con. U. S. v. 2 Cases * * *. (F. D. C. No. 26842. Sample No. 51255-K.)

LIBEL FILED: March 11, 1949, Western District of Kentucky.

ALLEGED SHIPMENT: On or about October 1, 1946, by the Gen-Con Co., from Canton, Ohio.

PRODUCT: 2 cases, each containing 72 bottles, of *Gen-Con* at Louisville, Ky. Analysis showed that the product consisted essentially of water, hydrochloric acid, and a coloring material.

LABEL, IN PART: "Gen-Con The 15 Drop Remedy."

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statements "Remedy for Indigestion * * * Relief for Gas, Heartburn, Headache, Stomach Disorders" were false and misleading since the article was not effective in the treatment of these conditions.

DISPOSITION: June 6, 1949. Default decree of condemnation and destruction.

2744. Misbranding of theophylline preparation. U. S. v. 9 Bottles * * *. (F. D. C. No. 26122. Sample No. 19458-K.)

LIBEL FILED: December 10, 1948, Southern District of Ohio.

ALLEGED SHIPMENT: On or about March 17, 1948, from Seymour, Ind.

PRODUCT: 9 1-pint bottles of *theophylline preparation* at Cincinnati, Ohio. Examination showed that the product consisted of a sirupy liquid and a precipitate. The supernatant sirup liquid contained, per 4 cc., .093 gram (1.44 grains) of theophylline. The precipitate consisted of theophylline.

LABEL, IN PART: "Brand of Theophylline Sodium Glycinate * * * Each Teaspoonful (4 cc.) contains * * * (equivalent to 0.16 Gm. (2½ gr.) Theophylline U. S. P.)."

NATURE OF CHARGE: Misbranding, Section 502 (a), the above-quoted statements on the label were misleading since the sirup contained per 4 cc. less than the equivalent of 0.16 gram (2½ grains) of theophylline, namely, .093 gram (1.44 grains). The article was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: January 6, 1949. Default decree of condemnation and destruction.

2745. Misbranding of Burnett's Radio Active Emanator. U. S. v. William Henry Burnett. Plea of nolo contendere. Fine, $100. (F. D. C. No. 24250. Sample No. 49567-H.)

INFORMATION FILED: March 25, 1948, Eastern District of Arkansas, against William Henry Burnett, Kingsland, Ark.

ALLEGED SHIPMENT: On or about February 28, 1947, from the State of Arkansas into the State of Mississippi.

PRODUCT: Examination showed that the device was a concrete molded block exhibiting a negligible degree of radioactivity.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in accompanying pamphlets entitled "Nature's Health Restorer" and "Burnett's Radio Active Emanator A Health Spring In Your Home" were false and misleading since the device would not fulfill the promises of benefit suggested and implied. These statements represented and suggested that the device would be a health spring in the home, would impart beneficial qualities to water, and would soften and purify the hardest waters; that it would be efficacious in