

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the posters were false and misleading. The statements represented and suggested that the *Miracle Oil* and the *Miracle Inhaler* in combination with each other would be efficacious in the cure, mitigation, and treatment of head colds, hay fever, arthritis, earache, sinus trouble, rose fever, neuritis, chest colds, asthma, rheumatism, sprains, lumbago, catarrh, bronchitis, swollen joints, sciatica, and bursitis; that the articles would be efficacious in the cure, mitigation, and treatment of pulmonary tuberculosis and microbial diseases of the lungs and bronchial tubes, affections of the nose, rhinitis, tonsillitis, laryngitis, lobar pneumonia, broncho-pneumonia, empyema, otitis media, mastoiditis, adenoids, pharyngitis, adenitis, pleurisy and myositis (inflammation of the muscles); and that the articles would be efficacious to prevent malarial fever. The articles would not be efficacious for such purposes.

DISPOSITION: December 16, 1949. A plea of guilty having been entered, the court imposed a fine of \$300.

2967. Misbranding of Ko-rekT (dental device). U. S. v. Demetrie C. Siampaus (Siampaus Mfg. Co.) Plea of nolo contendere. Fine, \$100. (F. D. C. No. 26736. Sample No. 21860-K.)

INFORMATION FILED: September 28, 1949, District of Nebraska, against Demetrie C. Siampaus, trading as the Siampaus Mfg. Co., Omaha, Nebr.

ALLEGED SHIPMENT: On or about October 13, 1948, from the State of Nebraska into the State of Missouri.

PRODUCT: Examination showed that the *Ko-rekT* (dental device) consisted essentially of two counter-rotating rubber discs mounted on metal shafts, turned by a hand crank for the purpose of cleaning the teeth and massaging the gums.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in accompanying leaflets headed "Throw Away Your Tooth Brush," "Turn on that Smile with Ko-RekT," and "Startling New Discovery," were false and misleading. The statements represented and suggested that the device would prevent and heal gum infections, prevent tooth decay, heal pyorrhea, keep the gums and mouth healthy, eliminate tartar formation, force blood circulation to every part of the gum tissues, and stop bacteria at the gum line. The device would not fulfill the promises of benefits stated and implied.

DISPOSITION: December 15, 1949. A plea of nolo contendere having been entered, the court imposed a fine of \$100.

2968. Misbranding of Healthomatic devices. U. S. v. 6 Devices, etc. (F. D. C. No. 28235. Sample No. 52061-K.)

LIBEL FILED: October 21, 1949, Northern District of Ohio.

ALLEGED SHIPMENT: During March and July 1949, by the Goodhealth Associates, from Bala-Cynwyd, Pa.

PRODUCT: 6 *Healthomatic devices* at Cleveland, Ohio, together with a number of booklets entitled "The Road To Health." The device was similar in construction to a wheelless bicycle. The pedals and handle bars could be moved by the operator or activated by an electric motor.

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements in the labeling of the device were false and misleading since the device was not effective for the purposes stated and implied: (on device) "Healthomatic Physical Activity Protects Health Perfection of Body Peace of Mind" and

(in booklet entitled "The Road to Health") "The Road To Health Healthomatic Physical Activity Protects Health Perfection of Body Peace of Mind * * * improves your health and renews your vigor. You will enjoy that refreshing flush of blood circulation that only a well conditioned body can know. Consider Healthomatic as a valuable aid to combat all those physical troubles from which you may suffer because you are physically inactive—over-weight, constipation, indigestion, backache, fatigue, poor circulation, nervous tension, headache, etc. * * * more than just a body conditioning instrument. * * * 1-Head—Acts as a Beauty Aid by stimulating the flow of blood through the Capillaries and helping keep the entire body in good health—Tends to relieve mental fatigue * * * Aids in correcting certain causes of headaches. 2-Neck—Helps contour the neck lines—Aids in the relief of nervous tension—Encourages relaxation and restful sleep. 3-Back—Tends to strengthen a weak back, improve posture and give more youthful lines. 4-Chest—Ventilates the Lungs more thoroughly—Aids in firming the Breasts and reducing underarm flabbiness. 5-Upper Abdominal Cavity—Aids in tightening up a sagging Stomach—Tends to activate Liver and Gall-Bladder, reduce indigestion and gas formation. 6-Waistline Area—Helps reduce waistline measurements, strengthen abdominal muscles and provide definite figure control. 7-Bowels—Combats constipation and promotes regularity of waste elimination. 8-Hips—Helps reduce bulging Hips, decrease buttocks and trim thighs. 9-Legs—Tends to shape legs to slender proportions, strengthen foot muscles and stimulate Blood circulation in cold Feet. * * * 12-Above All—It helps to stimulate the Blood Stream in its entirety, bring a fresh supply of energy to all parts of the Body, bring rest and relaxation to the Mind and Nerves."

DISPOSITION: January 10, 1950. The Healthomatic Corp., Bala-Cynwyd, Pa., claimant, having consented to the entry of a decree, judgment of condemnation was entered. The court ordered that the booklets be destroyed and that the devices be released under bond for relabeling, under the supervision of the Federal Security Agency.

DRUGS FOR VETERINARY USE*

2969. Misbranding of *Speedway Cough and Distemper Remedy, Speedway Absorbent Liniment, Speedway Condition Powder, Speedway Hoof Tonic, and Black Perfection Salve*. U. S. v. August W. Frueh (Energy Drug Co.). Plea of guilty. Fine, \$250. (F. D. C. No. 26739. Sample Nos. 30648-K to 30652-K, incl.)

INFORMATION FILED: October 13, 1949, Northern District of Ohio, against August W. Frueh, trading as the Energy Drug Co., Cleveland, Ohio.

ALLEGED SHIPMENT: From the State of Ohio into the State of California. Four of the five shipments were made in or about the month of May 1948, and the fifth shipment was made between the approximate dates of August 31 and September 18, 1948.

PRODUCT: Analysis disclosed that the *Speedway Cough and Distemper Remedy* consisted of a black syrupy liquid with an aromatic odor, and containing ammonium compounds and a trace of alkaloids, including strychnine; that the *Speedway Absorbent Liniment* consisted of a denatured alcohol containing benzoin and aromatics; that the *Speedway Condition Powder* consisted of a tan

*See also No. 2965.