

3594. Misbranding of M. F. Co.'s Minerals. U. S. v. 99 Bottles * * *
(F. D. C. No. 31599. Sample No. 11304-L.)

LIBEL FILED: August 7, 1951, Northern District of Ohio.

ALLEGED SHIPMENT: On or about March 20, 1951, by the Mineral Food Co., from Indianapolis, Ind.

PRODUCT: 99 bottles of *M. F. Co.'s Minerals*, each bottle containing 270 tablets, at New Philadelphia, Ohio, together with a number of accompanying circulars entitled "Mineral Supplement."

LABEL, IN PART: (Bottle) "The M. F. Co.'s Minerals 270 Tablets * * *
Contains: Potassium Iodide, Calcium Phosphate, Calcium Carbonate, Sodium Phosphate, Iron Sulfate Exsiccated, Sodium Chloride (iodized salt). Six tablets each day will supply the full daily adult minimum requirements of Calcium, $\frac{1}{2}$ that of Phosphorus, $1\frac{1}{2}$ that of iron, and 2 times that of iodine."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the accompanying circular were false and misleading. The statements represented and suggested that the article would correct basic unnatural disorders and thereby enable nature to correct illness or disease regardless of the name by which it is known; that it would afford physical wrecks freedom from stubborn suffering and renew their strength; that it would eliminate pain and soreness of years' duration, enabling the sufferer to sleep like a school child; and that it would render the user who needs a mineral supplement 100 percent healthy. The statements were contrary to fact.

DISPOSITION: September 7, 1951. Default decree of condemnation and destruction.

3595. Misbranding of throat lozenges. U. S. v. 135,000 Lozenges, etc. (F. D. C. No. 31139. Sample Nos. 23084-L, 23085-L, 24681-L.)

LIBEL FILED: May 19, 1951, Northern District of New York.

ALLEGED SHIPMENT: On or about January 24 and April 19, 1951, by Strong Cobb & Co., Inc., from Cleveland, Ohio.

PRODUCT: 135,000 *throat lozenges* in 8 drums, 12 display cartons, each containing 24 vials of 14 *throat lozenges* each, and a number of labels at Syracuse, N. Y.

RESULTS OF INVESTIGATION: The lozenges contained in the vials in the display cartons had been repacked by the Approved Pharmaceutical Corp., Syracuse, N. Y., from the drums in which they had been shipped. In addition, the repacker had in its possession certain labels which were intended to be attached to display cartons containing the lozenges.

LABEL, IN PART: (Drum) "Special Lozenges CT Light Orange * * * Formula contains at time of manufacture: per lozenge Tyrothricin 2 mg. Benzocaine 5 mg. Cetyl Dimethyl Benzyl Ammonium Chloride. Directions: For sore throat."

NATURE OF CHARGE: Misbranding, Section 502 (a), the statement upon the drum label "For sore throat" was false and misleading since the article was not an effective treatment for sore throat. The article was misbranded in this respect when introduced into and while in interstate commerce.

Further misbranding, Section 502 (a), the following statements appearing upon the labels attached to the display cartons were false and misleading since the article was not effective for the purposes stated upon the label and implied therein: "* * * Germ Killer * * * Destroys Bacteria * * *

Keeps Out New Germs * * * Faster than Penicillin * * * on gram-positive germs such as: diphtheria bacilli-streptococci-pneumococci and other bacteria causing common sore throat * * *." The article was misbranded in this respect while held for sale after shipment in interstate commerce.

DISPOSITION: Decree entered September 29, 1951; amended decree entered October 9, 1951. The Approved Pharmaceutical Corp., claimant, consented to the entry of these decrees, which provided that the labels and display cartons be destroyed; that the portion of the labels on the 8 drums of the product containing the words "For sore throat" be obliterated; and that the lozenges be released to the claimant under bond for repackaging and relabeling.

3596. Misbranding of Muscle-Rub. U. S. v. 33 Bottles, etc. (F. D. C. No. 31209. Sample No. 15783-L.)

LIBEL FILED: On or about June 22, 1951, District of Kansas.

ALLEGED SHIPMENT: On or about January 2, 1951, by Muscle Rub Distributors, from Los Angeles, Calif.

PRODUCT: 33 6-ounce bottles and 12 12-ounce bottles of *Muscle-Rub* at Newton, Kans., together with accompanying leaflets entitled "Muscle-Rub," and accompanying placards, a window streamer, and a display sheet, all entitled "Prove Free."

LABEL, IN PART: "Muscle-Rub Contains Isopropyl Alcohol 75% Ethyl Alcohol 1.8% Methyl Salicylate, Camphor, Menthol & Fld. Witch Hazel."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the bottle label and on the accompanying leaflets, placards, window streamer, and display sheet were false and misleading. The statements and designs represented and suggested that the article was an adequate and effective treatment for arthritis, rheumatism, neuralgia, sciatica, neuritis, lumbago, swollen, aching joints, soreness of muscles, sprains, and bruises. The article was not an adequate and effective treatment for such conditions.

DISPOSITION: September 6, 1951. Default decree of condemnation and destruction.

3597. Misbranding of Jessamine's Electro-Way device. U. S. v. 5 Devices, etc. (F. D. C. No. 31320. Sample No. 13480-L.)

LIBEL FILED: July 10, 1951, District of Utah.

ALLEGED SHIPMENT: During May 1950, by Jessamine's Electro-Way Slenderizing Salons, Oakland, Calif.

PRODUCT: 5 *Jessamine's Electro-Way devices* at Salt Lake City, Utah, together with a number of leaflets entitled "Reducing Made Easy." The device consisted of two different models; one model was known as "Salonette" and the other model as "Electro-Vac." The device was designed to reduce the 110-volt household electrical current to a lower voltage.

It was accompanied by pads which could be attached to the device by means of which electricity was applied to various parts of the body. The labeling contained the following directions: "Soak pads thoroughly in warm or hot water. Connect pads to the cords in pairs and strap onto the spots to be treated. Lie down and relax."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the accompanying leaflets were false and misleading. The statements represented and suggested that the device was effective in bringing about a reduction in