

defendants filed a motion for leave to withdraw their pleas of guilty and enter pleas of not guilty. This motion was denied on 7-13-54. On 8-11-54, the court fined each individual defendant \$1,000 and sentenced each to imprisonment for 6 months. The court suspended this sentence and placed the defendants on probation for 2 years. The partnership was dismissed as a defendant upon the Government's motion at the time of sentencing.

On 8-20-54, the individual defendants filed a notice of appeal to the United State Court of Appeals for the Third Circuit; and, on 12-28-54, this court, after considering arguments and briefs of counsel, entered an order affirming the judgment of the lower court.

4922. Lady Bountiful device. (F. D. C. No. 38480. S. No. 36-961 M.)

QUANTITY: 179 individually cartoned devices at New York, N. Y.

SHIPPED: 9-3-55, from Hollywood, Calif., by Atlanta Corp.

ACCOMPANYING LABELING: A brochure entitled "The story of Lady Bountiful" and a circular designated "Lady Bountiful News November 22, 1951."

RESULTS OF INVESTIGATION: The device consisted of two rubber-edged plastic cups, one of which was slightly larger than the other, and a long rubber hose attached to a specially designed aspirator for attachment to the water faucet.

In use, the plastic cup would be pressed against the chest so that it enclosed one of the breasts and the rubber edge formed an air-tight seal against the chest. The small compact pump fitted over the cold water faucet; the cold water flowed through the specially designed pump and down the drain, never touching the breast but creating a controlled vacuum directed into the plastic cup. By applying and relaxing the thumb on the opening at the top of the rubber tube, the vacuum in the cup exercised the breast by contraction and relaxation.

LIBELED: 10-6-55, S. Dist. N. Y.

CHARGE: 502 (a)—the labeling accompanying the article, when shipped and while held for sale, contained false and misleading representations that the article was effective for increasing the size of the breasts, for providing shape, growth, and expansion for underdeveloped or sagging breasts so that they would become full, round, and firm; and for improving the tone of the breast tissues; and 502 (j)—the article was dangerous to health when used with the frequency and duration prescribed, recommended, and suggested in its labeling since the directions appearing therein recommended and suggested that the device be used from 10 to 25 minutes a day for a period of 2 or 3 months, whereas when used as recommended and suggested, the device may be dangerous where an unsuspected cancer is present or where other pathological conditions may be present.

DISPOSITION: 12-28-55. Default—portion delivered to Food and Drug Administration and remainder destroyed.

NEW DRUG SHIPPED WITHOUT EFFECTIVE APPLICATION

4923. H-17 and physiological salt solution. (F. D. C. No. 38421. S. Nos. 13-116/7 M.)

QUANTITY: 37 50-cc. vials of H-17 and 37 50-cc. vials of *physiological salt solution* at Philadelphia, Pa.

SHIPPED: 5-10-55, from Los Angeles, Calif., by Rene Labhardt.