

and vitality, whereas the devices were not effective for such purposes. The devices were misbranded when introduced into, while in, and while held for sale after shipment in, interstate commerce.

**DISPOSITION:** October 27, 1950. Leslie D. Ray, Sacramento, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the printed matter be destroyed and that the devices be released under bond to the claimant for relabeling, under the supervision of the Food and Drug Administration.

**3339. Misbranding of Hollywood Vita-Rol devices. U. S. v. 3 Devices. (F. D. C. No. 29962. Sample No. 67831-K.)**

**LIBEL FILED:** November 1, 1950, District of Utah.

**ALLEGED SHIPMENT:** On or about September 15, 1950, by the S & D Engineering Co., from Glendale, Calif.

**PRODUCT:** 3 *Hollywood Vita-Rol devices* and a number of leaflets entitled "Reduce Relax Relieve" and other leaflets entitled "Hollywood Vita-Rol Instruction" at Salt Lake City, Utah. Examination disclosed that the device consisted of an electrically heated roller covered with corrugated rubber.

**LABEL, IN PART:** "Hollywood Vita-Rol Model A 125 Volts 76 Watts."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in the leaflets accompanying the device were false and misleading since the device was not effective for the purposes represented and was not an effective treatment for the conditions represented. The statements represented and suggested that the device was effective for spot reducing, and that it was effective as a body conditioner and as a treatment for muscular soreness, poor circulation, constipation, and insomnia.

**DISPOSITION:** February 5, 1951. Default decree of condemnation. The court ordered that the devices be delivered to the Food and Drug Administration, to be used as exhibits in connection with its work.

#### DRUG FOR VETERINARY USE

**3340. Action to enjoin and restrain the interstate shipment of Eureka Poultry Mixture. U. S. v. Edwin C. Singers (Eureka Poultry Food Mfg. Co.). Consent decree granting injunction. (Inj. No. 231.)**

**COMPLAINT FILED:** November 15, 1950, Eastern District of Illinois, against Edwin C. Singers, trading as the Eureka Poultry Food Mfg. Co., East St. Louis, Ill.

**NATURE OF CHARGE:** The defendant had been and was at the time of filing the complaint, introducing and delivering for introduction into interstate commerce, at East St. Louis, Ill., consignments of a drug which was labeled, in part, "Eureka Poultry Mixture Eureka Poultry Mixture is a compound composed of Red Iron Oxide and Hydrated Lime. Not less than 74% Calcium, not less than 10% Iron Oxide, not less than .5% Phosphorus."

The complaint alleged that the article was adulterated and misbranded in the following respects:

Adulteration, Section 501 (c), the strength of the article differed from that which it was represented to possess since it contained less than 74% of calcium, less than 10% of iron oxide, and less than .5% of phosphorus.

Misbranding, Section 502 (a), certain statements in accompanying leaflets entitled "Don't Depend on Luck" were false and misleading since the article

was not effective in the prevention and treatment of the diseases and conditions stated and implied, and was not capable of fulfilling the promise of benefit and producing the results claimed. The statements represented and suggested that the article would help save little chicks and protect little chicks from gapes and worms; that it would be an effective medicine in the treatment of cholera and roup of hens; that it was a remedy and medicine for chickens; that it was effective in the prevention and treatment of white diarrhea of chicks; that it would help hens lay more eggs in winter; and that it would protect fowls from disease and keep them free from lice and mites.

The complaint alleged further that unless restrained, the defendant would continue to introduce and deliver for introduction into interstate commerce the adulterated and misbranded article.

**DISPOSITION:** On December 18, 1950, a temporary injunction was entered against the defendant; and on January 9, 1951, the defendant having consented to the entry of a decree, the court issued an order perpetually enjoining the defendant from introducing or delivering for introduction into interstate commerce a drug for use in the treatment of poultry and other animals which was adulterated and misbranded within the meaning of the law.

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<sup>1</sup> (3340) Permanent injunction issued.

# FEDERAL SECURITY AGENCY

## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

3341-3360

### DRUGS AND DEVICES

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency, and include, where indicated, the results of investigations of the Agency, prior to the institution of the proceedings. Published by direction of the Federal Security Administrator.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., June 11, 1951.

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\*For omission of, or unsatisfactory, ingredients statements, see Nos. 3347, 3353; failure to bear a label containing an accurate statement of the quantity of the contents, Nos. 3343, 3353; failure to bear a label containing the name and place of business of the manufacturer, packer, or distributor, No. 3353; labeling information not likely to be read and understood by the ordinary individual under customary conditions of purchase and use, No. 3352.