

tions of the brain and muscles \* \* \* Yerbama is a first class stimulant for the muscles, nerves and brains \* \* \* without affecting the heart or disturbing the sleep. It is less of an excitant than tea or coffee and \* \* \* does not cause insomnia, neither does it cause perturbations of the heart \* \* \* there is no harmful physical reaction or mental disturbance." (Booklet entitled "Health") "Health \* \* \* Out-Of-Repair Must Not Be Asked To Wait Good Health! From the U. S. of Brazil \* \* \* a nutritious and mentally invigorating food-beverage. The millions in South America who consume it daily \* \* \* live long to rejoice in it. The State of Parana is famed for its high percentage of centenarians. Yerbama \* \* \* from the sunny plantations of Parana \* \* \* It acts as a restorative after great fatigue \* \* \* a fortifier against severe mental or physical work"; and (leaflet entitled "Yerbama") "\* \* \* Nutritious & Bracing For Nerve & Muscle Does Not Cause Insomnia Or Disturbance Of Heart Action."

Further misbranding, Section 502 (c), the information required by law to appear on the label, namely, the common or usual name of the article, maté, was not prominently displayed on the label with such conspicuousness (as compared with the labeling) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

The article was misbranded in the above respects while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 22, 1951. Default decree of condemnation and destruction.

**3353. Misbranding of Alfanol. U. S. v. 9 Cartons \* \* \*. (F. D. C. No. 30129. Sample No. 78852-K.)**

**LIBEL FILED:** November 17, 1950, Northern District of California.

**ALLEGED SHIPMENT:** On or about September 11, 1950, by the Alfanol Co., from Shedd, Oreg.

**PRODUCT:** 9 unlabeled cartons each containing 1 bottle of *Alfanol* and a circular entitled "Alfanol" at Eureka, Calif. Examination showed that the product consisted essentially of sodium polysulfide, sodium sulfate, and sodium thiosulfate, dissolved in water.

**LABEL, IN PART:** (Bottle) "Two Fluid Ounces Alfanol."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements on the bottle label and in the circular, which represented and suggested that the article was effective in relieving the pains of arthritis and rheumatism, were false and misleading since the article would not be effective for such purposes; Sections 502 (b) (1) and (2), the carton label of the article failed to bear the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 502 (e) (2), the article was fabricated from two or more ingredients, and the carton label failed to bear the common or usual name of each active ingredient.

**DISPOSITION:** December 13, 1950. Default decree of condemnation and destruction.

✓ **3354. Misbranding of Muscle-Rub. U. S. v. 79 Bottles, etc. (F. D. C. No. 28539. Sample No. 75425-K.)**

**LIBEL FILED:** January 23, 1950, District of Colorado.

**ALLEGED SHIPMENT:** On or about October 17 and December 6, 1949, by Muscle-Rub Distributors, from Los Angeles, Calif.

**PRODUCT:** *Muscle-Rub*. 79 2-ounce bottles, 28 6-ounce bottles, and 24 12-ounce bottles at Denver, Colo., together with a leaflet attached to each bottle entitled "Muscle-Rub" and one clipping from the January 9, 1950, edition of The Denver Post.

**RESULTS OF INVESTIGATION:** The newspaper clipping was on display in the store of the consignee.

**LABEL, IN PART:** (Bottle) "Muscle-Rub Contains Isopropyl Alcohol 75% Ethyl Alcohol 1.8% Methyl Salicylate, Camphor, Menthol andFld. Ext. Witch Hazel."

**NATURE OF CHARGE:** Misbranding, Section 502 (a) the following statements on the bottle labels and in the leaflets were false and misleading since the article was not effective in the treatment of the conditions stated and implied: (Bottle) "Use as an aid in the Relief of Pain and Discomfort from Rheumatism, Arthritis, Neuralgia, Sciatica" and (leaflet) "Glorious Aid in the Relief of Pain and Discomfort from Rheumatism, Arthritis, Neuralgia, Sciatica." The article was misbranded in the above respects when introduced into and while in interstate commerce.

Further misbranding, Section 502 (a), the following statements in the newspaper clipping were false and misleading since the article was not effective in the treatment of the conditions stated and implied: "to quickly relieve the pains of Rheumatism, Arthritis, Neuritis, Lumbago, Sore Lame Muscles Why suffer another day from the agony of these painful ailments? Prove free that you can get miraculous relief in just a few minutes from rheumatic pains, muscle soreness, sprains, as well as serious lameness of muscles and joints. \* \* \* The entire Muscle-Rub treatment is a penetrating, blood-stimulating liquid applied directly to the limbs, shoulders, neck, face or back—wherever you are suffering pain. You get action right away. Pain is usually relieved in just a few minutes \* \* \* Rheumatism Pains Relieved in Few Minutes \* \* \* quick relief from agonizing pains. 50-Year-Old Los Angeles Lady Says Muscle-Rub is Godsend. 'I've had rheumatism many years and have suffered awfully from sharp pains. Sometimes I couldn't move. I hurt so. Six years ago I discovered Muscle-Rub and got blessed relief at last.' 'Thank God for Muscle Rub,' says California Rheumatic Sufferer. 'I read your ad and bought Muscle-Rub. I have tried everything I could buy but could not raise my right arm until I used Muscle-Rub. I am a carpenter so you see how I suffered. Thank God I found Muscle-Rub and got relief. I feel fine, working every day and I am 61 years old.'"

The article was misbranded in the above respects while held for sale after shipment in interstate commerce.

**DISPOSITION:** January 16, 1951. The libel proceedings having been removed for trial to the Northern District of California, and the claimant, Muscle-Rub Distributors, having failed to file an answer, judgment of condemnation was entered and the court ordered that the product be destroyed.

**3355. Misbranding of Ipsab Gum Massage. U. S. v. 3 Bottles, etc. (F. D. C. No. 30248. Sample No. 11029-K.)**

**LIBEL FILED:** November 13, 1950, Southern District of New York.

**ALLEGED SHIPMENT:** During 1948 and 1949, from Norfolk, Va.