3378. Misbranding of bone phosphate flour and bone phosphate wafers. U. S. v. 1 Opened Barrel, etc. (F. D. C. No. 30299. Sample Nos. 47292–K to 47295–K, incl.)

LIBEL FILED: November 29, 1950, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 4 and 15 and September 13 and 18, 1950, from Calumet City, Ill., and Kalamazoo, Mich.

PRODUCT: 1 opened barrel containing 250 pounds of *bone phosphate flour* and 3 unopened drums and 1 opened drum containing a total of 110,500 *bone phosphate wafers* at Loupurex, Pa., together with a number of copies of a magazine entitled "Prevention."

RESULTS OF INVESTIGATION: The products were being repackaged and relabeled by the consignee, Nu-Age Products, Loupurex, Pa. At the time of seizure, there were on hand approximately 200 labels reading, in part, "75 1-Gram Wafer-Tablets Bone Phosphate," approximately 100 labels reading, in part, "300 1-Gram Wafer-Tablets Bone Phospate," and approximately 500 labels reading, in part, "Bone Phosphate 16 Ounces."

There were also in possession of the consignee about 800 copies of a magazine entitled "Prevention," copies of which were sent to prospective customers.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the magazine were false and misleading. The statements represented and suggested that the articles were effective to prevent poliomyelitis, whereas the articles were not effective for such purpose. The articles were misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: January 18, 1951. Default decree of condemnation and destruction.

3379. Misbranding of Le Joi device. U. S. v. 70 Devices, etc. (F. D. C. No. 30159. Sample No. 91434–K.)

LIBEL FILED: November 21, 1950, District of North Dakota.

ALLEGED SHIPMENT: On or about August 15, 1950, by the Krolop Co., from Bagley, Minn.

PRODUCT: 70 *Le Joi devices* at Enderlin, N. Dak., together with a number of leaflets entitled "Instructions Le Joi." Examination showed that the device consisted of a rubber tube closed at one end by a plastic clamp, the base of which was extended for some distance into the tube, and closed at the other end by a metal knob. A movable ball inside the tube at this end regulated the size. A metal band about ⅝ inch wide covered the center portion of the tube.

NATURE OF CHARGE: Misbranding, Section 502 (a), the labeling of the device contained statements which were false and misleading since the device was not effective for the purpose represented, namely, stimulating the male sex organ.

Further misbranding, Sections 502 (b) (1) and (2), the device failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents.

DISPOSITION: March 2, 1951. Default decree of condemnation and destruction.

DRUG FOR VETERINARY USE

3380. Misbranding of Dr. Jelen's Liquid Hog Medicine. U. S. v. 7 Jugs, etc. (F. D. C. No. 30435. Sample No. 31353–L.)

LIBEL FILED: February 20, 1951, Southern District of Illinois.