

3435. Misbranding of *Tates Antiseptic Germicide*. U. S. v. 10 Cases * * *.
(F. D. C. No. 29101. Sample No. 35866-K.)

LIBEL FILED: May 9, 1950, District of Hawaii.

ALLEGED SHIPMENT: On or about January 4, 1950, by Tate Chemical Co., Inc., San Jose, Calif.

PRODUCT: 10 cases, each containing 12 6-ounce bottles, of *Tates Antiseptic Germicide* at Honolulu, T. H. Analysis showed that the product consisted essentially of epsom salt, zinc sulfate, boric acid, a salicylate, water, and acetone.

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements in the labeling of the article, namely, in the leaflets wrapped around each bottle, were false and misleading since the article was not an adequate and effective treatment for the conditions stated and implied: "This product has been found exceptionally efficacious in treatment of some of the most contagious skin troubles and other ills. Among these we list those we claim this antiseptic-germicide will rapidly and almost always permanently relieve: * * * barber's itch, blackheads, blood poison, burns, scalds, erysipelas, eczema, * * * hives, itching scalp, itching piles, * * * old sores * * * acne, ring worm, shingles, salt rheum, seven-year itch, doby itch, skin scale * * *. It also has been used successfully in combating the distress of foul smelling feet by remedying the cause. Burns and Scalds These are naturally not caused by germs. Even the chemist that perfected this preparation is unable to explain how it acts in relieving the pain caused by burns, scalds * * *. If applied immediately, it will prevent blistering * * *. So many human ailments are declared to be due to germs, that the discovery of a formula that kills germs with such remarkable thoroughness, means a great deal to humanity. The fact that germs or bacteria are regarded as the cause of almost every known contagious disease or infection, makes it particularly gratifying that this antiseptic-germicide was created after many years of intensive study, experiment and tests by Dr. Tate."

DISPOSITION: April 3, 1951. Tate Chemical Co., Inc., having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

3436. Misbranding of *Vrilium Catalytic Barium Chloride tube*. U. S. v. *Vrilium Products Co., George C. Erickson, and Robert T. Nelson, Jr.* Pleas of not guilty. Tried to the court and jury. Verdict of guilty. Fines of \$1,000 against each defendant, plus costs; each individual defendant also sentenced to 1 year in prison. Judgment affirmed on appeal (185 F 2d 3). Petition for certiorari denied by U. S. Supreme Court (340 U. S. 947). (F. D. C. No. 21428. Sample Nos. 14616-H, 17656-H.)

INFORMATION FILED: January 20, 1947, Northern District of Illinois, against the *Vrilium Products Co.*, a corporation, and George C. Erickson, president, and Robert T. Nelson, Jr., vice-president, of the corporation.

ALLEGED SHIPMENT: On or about June 25, 1945, from the State of Illinois into the State of Michigan.

PRODUCT: Examination showed that the device was not radioactive. The device consisted of a small glass tube sealed at both ends and containing a white crystalline substance. The glass tube was encased in a thin, pencil-shaped brass tube 1½ to 2 inches long.