

3158. Misbranding of Pol-Izer. U. S. v. Otto W. Dressler (Gold Seal Laboratories). Plea of not guilty. Tried to the court. Verdict of guilty. Fine, \$100. (F. D. C. No. 26691. Sample No. 43462-K.)

INFORMATION FILED: April 23, 1949, District of Minnesota, against Otto W. Dressler, trading as the Gold Seal Laboratories, Minneapolis, Minn.

ALLEGED SHIPMENT: On or about September 8, 1948, from the State of Minnesota into the State of Indiana.

PRODUCT: Examination disclosed that the product was a device consisting of mercury sealed in a glass bulb which was cemented to a metal cylinder. When the device was swirled, it generated a weak electrostatic charge.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the circulars entitled "The Pol-Izer (Miracle of the Age) Why Suffer" and "Pol-Izer Miracle of the Age The Results from its Use are Miraculous," which circulars accompanied the device, were false and misleading since the device would not be efficacious for the purposes represented and would not fulfill the promises of benefit stated and implied. The statements represented and suggested that the device would be efficacious in the cure, mitigation, and treatment of arthritis, sinusitis, eczema, constipation, hay fever, ulcers, diabetes, asthma, and anemia; that it would tend to normalize any part of the body which it contacted; that it would be efficacious in the cure, mitigation, and treatment of adhesion pains, arthritis pains, athlete's foot, high blood pressure, low blood pressure, head colds, indigestion, insomnia (nervousness), lumbago, migraine headaches, nervous stomach, bruises, burns, catarrh, colitis, cuts, dandruff, encephalitis (sleeping sickness), enuresis (bed wetting), falling hair, gastritis, goiters, fast heart, slow heart, leaky heart, strained heart, weak heart, angina pectoris, neuralgia, neurasthenia, neuritis, prostate gland trouble, rheumatism, scalds, sciatica, shaking palsy, sinus trouble, stomach gas, stomach ulcers, stuttering, toxemia, varicose veins, many additional ailments, and functional nutritional diseases; that the device would be efficacious in controlling the nervous, circulatory, respiratory, muscular, secretory, and excretory systems; that it would be efficacious as a regulator of functions and distributor of harmony; that it would be successful in improving nervous stomach, asthma, and diabetes; that constipation not due to intestinal obstruction could be controlled easily through use of the device, and that many other functional ailments could be relieved; that the five senses, seeing, hearing, feeling, tasting, and smelling, would be made keener by drinking water treated with the device; that the device would change the oxygen in water into ozone; that water treated with the device would be efficacious in the cure, mitigation, and treatment of stomach ulcers, gastritis, colitis, inflamed bladder, inflamed kidneys, sinusitis, and many other ailments of an inflammatory nature; that water treated with the device was a germicide and would kill many kinds of bacteria and germs, including the dandruff germ, as well as the fungi that causes athlete's foot; that water treated with the device would make an excellent remedy for hay fever, head colds, sinusitis, catarrh, and coughs; that use of water treated with the device would soothe the sores and stop the itching of eczema; that the device would make hard water soft; that it would remove the caffeine bitterness from coffee and the theine bitterness from tea; that it would greatly enrich the flavor of milk and would affect the taste of all beverages; that it would be efficacious for the relief of ailments that could not be relieved by a doctor, chiropractor, or osteopathic physician; that it would be efficacious in the treatment of many so-called incurable ailments; that it would relieve pains, mi-

graine headaches, and neuritic pains; that water treated with the device would be efficacious in the cure, mitigation, and treatment of a nervous stomach, and in the prevention of diseases, including colds; that water treated with the device would tend to normalize the digestive organs and enable the organs to extract more nourishment, especially the various vitamins and minerals, from food; that water treated with the device would enable the body to assimilate more vitamin A from food and thereby build resistance to infections, increase vitality, and improve eyesight; that water treated with the device would have a salutary effect upon the nervous system and would enable the body to absorb more vitamin B₁ from the food, resulting in a more invigorated feeling, better appetite, and the relief of many nervous disorders; that liquids treated with the device would enable one to make use of, and benefit from, the vitamins in food to a much greater extent; that the device when used in conjunction with water treated with the device, would be efficacious for the alleviation of pains, the correction of varicose veins, and the removal of goiters; that water treated with the device would be efficacious in overcoming food allergy and would improve one's digestive organs; that the device when used in conjunction with water treated with the device, would be efficacious in the cure, mitigation, and treatment of adhesion pains, anemia, arthritis pains, asthma, blood pressure, bruises, burns, catarrh, colitis, constipation not due to intestinal obstruction, cuts, diabetes, eczema, enuresis (bed wetting), gastritis, goiters, hay fever, head colds, indigestion, insomnia due to nervousness, migraine headaches, neuralgia, neuritis, neurasthenia, nerve pains due to amputation, nervous stomach (neuroses of stomach), rheumatism, scalds, sciatica caused by poisons in the system, sinusitis, stomach gas, stomach ulcers, tonsillitis, toxemia, and varicose veins; and that water treated with the device would be efficacious in the cure, mitigation, and treatment of athlete's foot, dandruff, and falling hair; and that the device when used in conjunction with water treated with the device, would be efficacious in the treatment of shaking palsy.

DISPOSITION: A plea of not guilty having been entered, the case came up for trial before the court on December 29, 1949. The trial was concluded on December 31, 1949, and the defendant was found guilty. On June 6, 1950, the court imposed a fine of \$100.

DRUGS FOR VETERINARY USE

3159. Adulteration and misbranding of Eureka Poultry Mixture. U. S. v. 34 Packages, etc. (F. D. C. No. 29083. Sample No. 54430-K.)

LIBEL FILED: April 27, 1950, Southern District of Mississippi.

ALLEGED SHIPMENT: On or about February 16, 1950, by the Eureka Poultry Food Mfg. Co., from East St. Louis, Ill.

PRODUCT: 34 packages of *Eureka Poultry Mixture* at Smithdale, Miss., together with a number of circulars entitled "Don't Depend On Luck." Examination showed that the product contained less than the stated amounts of calcium, iron oxide, and phosphorus, and that it was short weight.

LABEL, IN PART: (Package) "Eureka Poultry Mixture * * * Not less than 74% Calcium, Not less than 10% Iron Oxide, Not less than .5% Phosphorus * * * Net Weight 1 Pound 12 Ounces."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it was represented to possess.

Misbranding, Section 502 (a), certain statements in the above-mentioned circulars were false and misleading since the article when used as directed was