

**CHARGE:** 502(a)—when shipped and while held for sale, the labeling accompanying the article contained false and misleading representations that the article was adequate and effective for relieving pain of arthritis, bursitis, rheumatism, and other muscular disorders; relieving varicose veins, hemorrhoids, restricted circulation of the extremities, and nervous tension; reviving muscular and skin tissue; and accomplishing bone regeneration.

**DISPOSITION:** 3-26-62. Consent—claimed by Chester Lehr, Inc., and released under bond for relabeling.

**7057. Acme Juicerator device.** (F.D.C. No. 46964. S. No. 11-003 T.)

**QUANTITY:** 38 devices at Buffalo, N.Y.

**SHIPPED:** 12-9-61, from Lemoyne, Pa., by Acme Juicer Manufacturing Co.

**LABEL IN PART:** (Device) "Acme Supreme Model 5001 Serial No. 47841 \* \* \* Acme Mfg. Co. 34 N. Baldwin, Sierra Madre, Calif."

**ACCOMPANYING LABELING:** Books entitled "Natural Raw Vegetable and Fruit Juices"; folders entitled "Nectar of Fruits and Vegetables . . . Extracted Fresh Daily with the Acme Juicerator"; mimeographed booklets entitled "Presenting The Natural Approach to Good Health"; and books entitled "Live Food Juices."

**LIBELED:** 2-9-62, W. Dist. N.Y.

**CHARGE:** 502(a)—when shipped, the labeling accompanying the article contained false and misleading representations that the article was the answer to having vitality and good health; that the article was a "Gold Mine" investment in good health; that it made (juice) cocktails rich in vitamins; that it was the most valuable appliance in the home; and that, by reason of its health significance and its use in extracting raw fruit and vegetable juices, the article was beneficial in the treatment of colds, cancer, ulcers, arthritis, intestinal complaints, and other disease conditions.

**DISPOSITION:** 3-27-62. Consent—claimed by Acme Supreme of New York, Inc., Buffalo, N.Y., and relabeled.

**7058. Figurette device.** (F.D.C. No. 46477. S. No. 51-065 R.)

**QUANTITY:** 5 devices at Greeley, Colo.

**SHIPPED:** 6-16-61, from Grand Prairie, Tex., by A.R.A. Manufacturing Co.

**LABEL IN PART:** "A.R.A. Figurette Mfg. by ARA Mfg. Co."

**ACCOMPANYING LABELING:** Pamphlets entitled "The Sure Way," "A Graceful Way," "A Manly Way," "Effortless Exercise," and "How to use Figurette"; card entitled "Figurette Progress and Service Chart"; wall placard entitled "Figurette The Graceful Way to Physical Beauty"; sales brochure entitled "Figurette . . . Your Personal Salon"; and catalogue of Figurette advertising mats.

**RESULTS OF INVESTIGATION:** Examination indicated that the article consisted of a box-shaped housing containing a timer-controlled electric motor capable of providing vibration to four upholstered pads attached above the motor housing. Collapsible foot and head rests extended from the ends of the rectangular-shaped housing.

**LIBELED:** 10-4-61, Dist. Colo.

**CHARGE:** 502(a)—when shipped, the labeling of the article contained false and misleading representations that the article was an adequate and effective treatment for repositioning the entire body, relieving many daily tensions,

correcting posture, stimulating circulation, tightening and toning muscle tissues, removing excess fatty tissue, reducing weight and slenderizing, firming the flesh, spot reducing, relieving tension while conditioning the body, and recontouring the figure.

**DISPOSITION:** 1-12-62. Default—2 devices delivered to the Food and Drug Administration; the remaining 3 devices destroyed.

**7059. Puritron device.** (F.D.C. No. 43635. S. No. 5-639 P.)

**QUANTITY:** 7 Model F-20 devices and 5 Model 800 devices, at Wash., D.C.

**SHIPPED:** 9-1-59 and 9-4-59, from New Haven, Conn., by Puritron Corp.

**LABEL IN PART:** (Device) "Puritron \* \* \* Model \* \* \* New Haven, Conn."

**ACCOMPANYING LABELING:** Placards reading "Who's afraid of the Pollen Count?" and "This Week Try Puritron"; leaflets entitled "Important Medical Notice" and "Facts About Puritron."

**RESULTS OF INVESTIGATION:** Photographs and labeling indicated the article consisted of a portable box-type cabinet containing an electric fan, fiber filter pad, and several ultraviolet lamps. In operation, the fan would draw room air into the cabinet where it would pass through the filter and be exposed to ultraviolet lamps, after which it was expelled back into the room.

**LIBELED:** 10-29-59; libel amended 3-1-61 and 12-15-61, Dist. Columbia.

**CHARGE:** (Original libel), 502(a)—when shipped, the labeling contained false and misleading representations that the article was an adequate and effective treatment for relieving hay fever, asthma, sinus, and allergies; that use of the device would relieve "desperate sufferers" of allergy conditions; that the device was an advance in the field of allergy relief; that it allowed sinus, asthma, or allergy sufferers to breathe freely without fear of coughing, sneezing, or wheezing; and that the device was used by physicians and in hospitals, thereby implying that the device had an established position as an effective treatment for the named conditions; and (first amendment to libel), 502(a)—when shipped, the labeling for the device, namely, the leaflet entitled "Important Medical Notice" also contained the following statement, "'Surpasses all expectations. Performs miracles for a dust allergy patient.'—A Pennsylvania Physician." which statement was false and misleading in that it represented that the person making the statement was a physician whereas such person was not a physician, and in that it represented that the device would perform miracles for a dust-allergy patient, whereas the device would not accomplish such results.

**DISPOSITION:** On 12-7-59, Puritron Corp., claimant, filed an answer denying that the article was misbranded. Thereafter, on 3-1-61, the Government filed an amendment to the libel, to which claimant filed an answer admitting that the person to whom the labeling statement quoted in the amendment to the libel was attributed was not a physician, but denying that the statement was false and misleading in any other respect.

On 12-15-61, the Government filed a second amendment to the libel, praying for injunctive relief. On 12-20-61, the claimant having admitted the allegations contained in the first amendment to the libel and denying the substantive allegations in the remainder of the libel and having consented to a decree, and the Government having consented to dismissal of the prayer for injunctive relief, the court adjudged that the article was misbranded under 502(a) as alleged in the amended libel and entered a decree providing for condemnation and destruction of the article, and dismissal of the prayer for injunctive relief.