5035. Eardrum protectors. (F. D. C. No. 38969. S. No. 36-916 M.)

QUANTITY: 45,000 *rubber earplugs* in 2 cartons, and 325 display cards, each card containing 12 boxes and each box containing 1 pair, of *rubber earplugs*, at New York, N. Y., in possession of E-Z Products (Steckler Sales Co.).

SHIPPED: During 1952 or 1953, from Phoenixville, Pa.

LABEL IN PART: (Carton) "Ear Drum Protectors 679 Red"; (display card) "Improved Protek Ear Drum Protectors"; (unit box) "Protek Improved Ear Drum Protectors."

ACCOMPANYING LABELING: 109,000 empty unit boxes and 425 display cards.

RESULTS OF INVESTIGATION: The devices were shipped in interstate commerce in bulk and were repackaged by the consignee. The unit boxes and display cards were printed locally for the consignee.

The device consisted of two rubber plugs designed so as to fit easily into each ear.

LIBELED: 3-13-56, S. Dist. N. Y.

CHARGE: 502 (a)—the labeling of the device, while held for sale, contained false and misleading representations that it was effective for preventing mastoiditis and other ear infections that might result from engaging in swimming.

DISPOSITION: 3-29-56. Consent—claimed by E-Z Products (Steckler Sales Co.) for relabeling.

5036. Eardrum protectors. (F. D. C. No. 38864. S. No. 38-823 M.)

QUANTITY: 102 display cards, each containing 14 plastic boxes and each box containing 1 pair, of *rubber earplugs* at Miami Beach, Fla.

SHIPPED: 7-12-55, from New York, N. Y., by Eagle Drug Supply Co., Inc.

LABEL IN PART: (Display card) "Fitsrite Audiphone De Luxe Ear Drum Protectors * * * Manufactured By Fitsrite Products Co. New York, N. Y."

ACCOMPANYING LABELING: (Circular enclosed in each box) "Fitsrite 'Audiphone' Ear Drum Protector."

RESULTS OF INVESTIGATION: The device consisted of two rubber plugs so devised as to fit easily into each ear. Inserted in each rubber plug was a small piece of metal in the shape of a cone.

LIBELED: 12-19-55, S. Dist. Fla.

CHARGE: 502 (a)—the labeling of the article, when shipped, contained false and misleading representations that the article was effective for preventing mastoiditis and ear infections that might result from engaging in swimming.

DISPOSITION: 5-9-56. Default—destruction.

5037. Therapeutic mittens. (F. D. C. No. 38894. S. No. 40-410 M.)

QUANTITY: 32 devices at Minneapolis, Minn.

SHIPPED: 11-22-55, from Middleboro, Mass., by Lobl Mfg. Co.

LABEL IN PART: (Carton) "De Ans Infra-Ray Therapeutic Mittens."

ACCOMPANYING LABELING: Leaflets designated "Now Blessed Relief from the pains of * * *."

RESULTS OF INVESTIGATION: The article consisted of a pair of hand coverings made of rubberized cloth and plastic, in which electrical heating wires were enclosed so that when the plug attached to the mittens was connected with a household electrical outlet, the hand coverings became warm.

LIBELED: 1-9-56, Dist. Minn.