

LIBELED: 9-1-55, S. Dist. Calif.

CHARGE: 502 (a)—the label of the article, while held for sale, contained false and misleading representations that the article was an adequate and effective treatment for hay fever, bronchial asthma, food allergies, chronic eczemas, and chronic sinusitis, and that it was adequate and effective for the symptomatic relief of such conditions.

DISPOSITION: In accordance with a stipulation entered into between the government and Associated Laboratories, Inc., New York, N. Y., the claimant, an order was entered on 10-18-55 for the removal of the case to the E. Dist. N. Y. On 6-28-56, the claimant having withdrawn its claim, a default decree of condemnation and destruction was entered.

5075. Amosan tooth powder. (F. D. C. No. 39036. S. No. 23-983 M.)

QUANTITY: 12 cartons, 12 pkgs. each, at Los Angeles, Calif.

SHIPPED: 2-14-56 and 3-14-56, from Newark, N. J., by Knox Co.

LABEL IN PART: (Pkg.) "Amosan Powder * * * Active Ingredients: Sodium Perborate and Sodium Bitartrate, flavored with Oil of Peppermint and Menthol * * * Contains 20 Envelopes Net wt. 1¼ Avoir. Oz."

ACCOMPANYING LABELING: (Leaflet enclosed in each package) "Amosan Powder For the Hygienic Care of the Mouth and Gums."

LIBELED: 4-16-56, S. Dist. Calif.

CHARGE: 502 (a)—the labeling of the article, when shipped, contained false and misleading representations that the article was an adequate and effective treatment for pyorrhea, trench mouth, and gingivitis.

DISPOSITION: 5-10-56. Default—destruction.

5076. Magnetic Ray device. (Inj. No. 19.)

APPLICATION FILED: On or about 7-22-44, in the Northern District of Texas, the United States attorney filed an application for an order which would require Frank B. Moran, t/a Magnetic Ray Co., Dallas, Tex., to show cause why he should not be punished for criminal contempt of the permanent injunction which had been entered against him on 6-30-42, as reported in notices of judgment on drugs and devices, No. 883.

CHARGE: It was alleged that the defendant, Frank B. Moran, had made a number of interstate shipments of the *Magnetic Ray device* in violation of the injunction.

DISPOSITION: An order to show cause was entered on 7-22-44, and in response thereto, an answer was filed by the defendant. The case came on for trial before the court without a jury on 8-10-44, and at its conclusion, the court handed down the following opinion, findings of fact, conclusions of law, and sentence:

ATWELL, District Judge: "On June 30, 1942, this injunction was granted under the statute. The Defendant, Frank B. Moran, individually and doing business as Magnetic Ray Company, and his agents, employees, representatives and all others acting by or under his direction and authority, and all persons, firms, partnerships, companies, corporations and their representatives, officers, servants, agents, employees in active concert or participating with defendant herein, be and are hereby perpetually enjoined and restrained from in any manner or by any device, directly or indirectly, further introducing or delivering for introduction into interstate commerce, or causing introduction or delivery for introduction into interstate commerce, of any device labeled 'Magnetic Appliance' or 'Magnetic Ray Instrument' or a similar device, similarly labeled in the manner and form of the aforesaid Magnetic Ray Instrument.