

**4589. Madam Wilder's Southern Herbs.** (F. D. C. No. 37012. S. Nos. 86-332/3 L.)

**QUANTITY:** 683 16-oz. btls. at Cleveland, Ohio.

**SHIPPED:** During March, April, and May, 1954, from Detroit, Mich., by Gerald A. Stewart, d/b/a Vittonic Co.

**RESULTS OF INVESTIGATION:** Analysis showed that the product contained approximately 30.0 grams per 100 cc. of epsom salt, 0.8 gram per 100 cc. of sodium salicylate, saccharin, oil of clove, sodium phosphate, oil of peppermint, ferric and ammonium citrate, sodium bicarbonate, and oil of sassafras. Plant extractives other than volatile oils were not detected.

**LIBELED:** 7-19-54, N. Dist. Ohio.

**CHARGE:** 502 (a)—the bottle label of the article when shipped contained false and misleading representations that the article would be effective in the treatment of headaches, arthritic and rheumatic pains, indigestion, colds, constipation, coated tongue, impure blood, tired, dull, weak feelings, gastritis, and kidney trouble; and, 502 (f) (2), the article was essentially a laxative, and its labeling failed to bear a warning that frequent or continued use of the article may result in dependence on laxatives to move the bowels.

**DISPOSITION:** 10-1-54. Consent—destruction.

**4590. EE-Sterilizer device.** (Inj. No. 285.)

**COMPLAINT FOR INJUNCTION FILED:** 1-18-55, against Clarence E. Farris, t/a Igwtee and Igwt, at Truth or Consequences, N. Mex., to enjoin the interstate shipment of the above-mentioned device, which was misbranded.

**ACCOMPANYING LABELING:** Circulars entitled "This is the Famous EE Sterilizer," "Electronics Kill Diseases In The Body," "The New Twin Sisters," and "This Is That Professional Model."

**CHARGE:** The complaint alleged that the device consisted of a small radio transmitter which would give off radio waves of weak intensity when connected to an electrical outlet; that the defendant was engaged in selling and distributing in interstate commerce various models of the device, which were variously designated as "Hospital Model EE-Sterilizer Number H-109," "Cancer Research Model EE-Sterilizer Number HC-84," "Hospital Model EE-Sterilizer Number H-117," "Professional Model EE Sterilizer Model C," "EE Sterilizer Model B," "The New Twin Sisters Hospital Model H," and "Cancer Research Model-HC;" and that the device was misbranded as follows:

502 (a)—the accompanying labeling of the device contained false and misleading representations that the device was an adequate and effective treatment for bacterial infection, virus infection, poliomyelitis, sinus infection, prostate conditions, ear infections, tooth infections, infected tonsils, hand infection, colds, influenza, dysentery, sores, asthma, pimples, venereal disease, and all other infections of the body.

The complaint alleged further that if the defendant was forced by an injunction to refrain from using the existing labeling on interstate shipments of the device, the defendant would not discontinue interstate distribution of the device, but would, unless enjoined, continue to ship the device in interstate commerce without labeling stating the conditions and purposes for which the device was intended; and that in such case, the device would be misbranded under 502 (f) (1) in that its labeling would fail to bear adequate directions for use because of the omission from its labeling of statements of the conditions and purposes for which the device was intended.

The complaint alleged also that the defendant was well aware that his activities were violative of the Act; that he had been warned by a Notice of Hearing dated 7-27-53, and, in subsequent correspondence from the Food and Drug Administration, that the device was misbranded by the false and misleading statements in the accompanying labeling; and that despite such warnings, the defendant continued to introduce the misbranded device into interstate commerce.

**DISPOSITION:** 2-10-55. The defendant having consented, the court entered a decree of injunction perpetually enjoining the defendant from introducing into interstate commerce the *EE-Sterilizer device* or any other device of similar construction which was misbranded under 502 (a) or 502 (f) (1).

**4591. Super Zone device.** (F. D. C. Nos. 36542, 36544. S. Nos. 86-127/8 L.)

**QUANTITY:** 2 devices at Fort Collins, Colo.

**SHIPPED:** 11-14-52, from Los Angeles, Calif., by Super Zone Co.

**LABEL IN PART:** "Super Zone Co. Los Angeles, Calif. Model No. B Serial No. 123 [or "126"] 120 Volts 60 Cycles 2.0 Amperes."

**ACCOMPANYING LABELING:** Leaflet entitled "Connecting The Superzone Instrument."

**RESULTS OF INVESTIGATION:** In the operation of the device, oxygen was passed through the device, and the effluent gas, which included some ozone, produced by electrical discharge in the device, would leave the generating chamber through a hose attached to the applicator.

**LIBELED:** 5-4-54, Dist. Colo.

**CHARGE:** 502 (a)—the labeling of the device when shipped contained false and misleading representations that the device provided an adequate and effective treatment for infected sinus, asthma, sore throat, vaginitis, cervicitis, and internal hemorrhoids; and 502 (f) (1)—the labeling failed to bear adequate directions for use.

**DISPOSITION:** Theodore T. Josephson, t/a Super Zone Co., appeared as claimant. Pursuant to a stipulation entered into between the claimant and the United States attorney, the court, on 6-18-54, ordered that the action be removed to the United States District Court for the Northern District of California for trial.

On 7-23-54, the claimant filed an answer denying that the devices were misbranded as alleged. On 12-9-54, the claimant having filed a stipulation for the withdrawal of his claim and answer, the court entered a decree condemning the devices and ordering that they be permanently released to the custody of the Food and Drug Administration.

#### **DRUG ACTIONABLE BECAUSE OF CONTAMINATION WITH FILTH**

**4592. Pecan oil.** (Inj. No. 266.)

**COMPLAINT FOR INJUNCTION FILED:** 7-8-54, N. Dist. Tex., against three corporations, namely, the Planters Cotton Oil Co., Weatherford Oil Refining and Distributing Co., and J. R. Fleming & Co., Inc., of Weatherford, Tex., and James R. Fleming, president of the corporations.

**CHARGE:** The complaint alleged that the defendants were engaged in the business of manufacturing, preparing, and distributing *pecan oil*, and had been and were, at the time of the filing of the complaint, causing the introduction