

587. Misbranding of Bo-Go-Ha-Ma Mineral Springs Water. U. S. v. 32 Jugs of Mineral Water. Default decree of condemnation and destruction. (F. D. C. No. 6191. Sample No. 49865-E.)

On November 7, 1941, the United States attorney for the Eastern District of Louisiana filed a libel against 32 gallon jugs of mineral water at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about October 20, 1941, by Stafford Mineral Springs Co. from Vosburg, Miss.; and charging that it was misbranded.

Analysis of a sample of the article showed that it was a mildly alkaline water similar to Washington tap water, except that it contained about twice the amount of dissolved mineral matter.

It was alleged to be misbranded in that the statement "It is * * * very soothing and healing to the kidneys and bladder" was false and misleading since it would be neither soothing nor healing to the kidneys.

It was also alleged to be adulterated under the provisions of the law applicable to foods, as reported in F. N. J. No. 2830.

On December 24, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

588. Misbranding of mineral oil. U. S. v. 141 Bottles of Russian Type Mineral Oil. Default decree of condemnation and destruction. (F. D. C. No. 4401. Sample No. 50228-E.)

This product was mineral oil of domestic origin. It was labeled in conspicuous type "Russian Type Mineral Oil," and in much smaller type "Made in U. S. A."

On April 19, 1941, the United States attorney for the Eastern District of Virginia filed a libel against the above-named product at Richmond, Va., alleging that it had been shipped on or about March 24, 1941, by Adde, Inc., from Baltimore, Md.; and charging that it was misbranded in that the conspicuous statement on the label, "Russian Type Mineral Oil," was misleading as applied to a domestic mineral oil.

On October 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

589. Misbranding of Lurin. U. S. v. 296 Bottles of Lurin. Default decree of condemnation and destruction. (F. D. C. No. 4808. Sample No. 62133-E.)

On May 22, 1941, the United States attorney for the Northern District of Illinois filed a libel against 296 bottles of Lurin at Chicago, Ill., alleging that the article had been shipped on or about April 8 and 19, 1941, by the Lurin Co. from Cleveland, Ohio; and charging that it was misbranded.

Analysis of a sample of the article showed that it consisted essentially of aluminum hydroxide (2.1 grams per 100 cc.) and water flavored with peppermint oil.

The article was alleged to be misbranded (1) in that statements on the label, "Alcoholic Over Indulgence" and "Where Used in the Treatment of Active Peptic Ulcers," were false and misleading since it was not an adequate treatment for those conditions; (2) in that the statement on the label, "Combines with at least 12 times its volume of N/10 Hydrochloric Acid," was false and misleading since the volume of aluminum hydroxide that it contained was sufficient to combine with only 8.08 volumes of N/10 hydrochloric acid; and (3) in that the statement on the label, "Contents 8 Fl. Oz.," was false and misleading since it contained less than 8 fluid ounces.

On September 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

590. Misbranding of Waft-Surgical. U. S. v. 2½ Dozen Packages of Waft-Surgical. Default decree of condemnation and destruction. (F. D. C. No. 5430. Sample No. 27876-E.)

On August 26, 1941, the United States attorney for the Southern District of Indiana filed a libel against the above-named product at Evansville, Ind., alleging that it had been shipped on or about May 30, 1941, by the Federal Cosmetic Sales Corporation from Springfield, Ill.; and charging that it was misbranded. It was labeled in part: "Waft-Surgical Antiseptic-Disinfectant-Deodorant-Fungicide-Germicide-Parasiticide."

Analysis of a sample of the article showed that it consisted essentially of water, formaldehyde, small amounts of turpeneol, and a yellow-green coloring material.

It was alleged to be misbranded: (1) In that representations in the labeling that it would be efficacious as an antiseptic, disinfectant, fungicide, germicide

or parasiticide in the dilutions suggested; that it would be of value as a wet dressing or irrigation in wounds in these dilutions; that it would penetrate the environment; that it would inhibit disease-producing micro-organisms; that it would be efficacious for the sterilization of surgical instruments and that it would be a reliable fungicide or germicide for animals, were false and misleading since it would not be efficacious for such purposes. (2) In that the label did not contain the common or usual names of the active ingredients.

On October 2, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

591. Misbranding of Hercules Congestors. U. S. v. 5 Hercules Congestors Model Regulator #500 and 6 Hercules Congestors Model Super 900. Default decree of condemnation and destruction. (F. D. C. No. 5082. Sample No. 61021-E.)

On July 7, 1941, the United States attorney for the Western District of Washington filed a libel against the above-named articles at Seattle, Wash., alleging that they had been shipped on or about May 26, 1941, by Holdfast Truss Co. from Oakland, Calif.; and charging that they were misbranded.

Examination of samples showed that the articles consisted of a metal vacuum pump and a large glass tube bearing at one end a soft rubber collar and closed at the other end with a metal cap which was threaded to screw into the pump.

The articles were alleged to be misbranded (1) in that the following statements in a circular enclosed in each package by the dealer were false and misleading, "Organ Developer. This developer removes all obstructions in the organ, propels the blood rapidly through the disordered channels, and a quick and favorable result follows. * * * This simple apparatus is called upon to increase the lost energy and remove the loss of strength. * * * In most cases results come in a short time, while others of long standing require the patient use of the developer for five or six weeks"; and (2) in that the label failed to bear the name and address of the manufacturer, packer, or distributor.

On September 29, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

592. Misbranding of Ayds Candy. U. S. v. 73 Packages of Ayds Easy Reducing Plan Candy (and 5 other seizure actions against Ayds Candy). Default decrees of condemnation. Portion of product ordered destroyed; remainder ordered distributed to charitable institutions. (F. D. C. Nos. 2334, 3600, 3601, 3670, 3999, 4752. Sample Nos. 15617-E, 27514-E, 29201-E, 29202-E, 35926-E, 35935-E.)

The labeling of this product bore false and misleading representations regarding its efficacy as a reducing agent.

Between July 11, 1940, and May 23, 1941, the United States attorneys for the Eastern District of Arkansas, Southern District of Ohio, and the Southern District of Alabama filed libels against 73 packages of Ayds Candy at Little Rock, Ark., 160 various-sized boxes at Cincinnati, Ohio, and 97 various-sized boxes at Mobile, Ala., alleging that the article had been shipped in interstate commerce within the period from on or about May 4 to on or about December 10, 1940, by the Carlay Co., Fuller Laboratories, or Fuller Co., from Chicago, Ill.; and charging that it was misbranded.

The article was alleged to be misbranded in that the name "Ayds," the designs of slender female figures, designs of slender female figures superimposed on obese female figures, a picture entitled "Before," showing obese woman and one entitled "After," showing, presumably, the same individual after having lost 40 pounds, and a poster with picture of a female figure with the words underneath "Now Weighs 130 Lbs. Weighed 160 Lbs.," appearing in the labeling of the various lots, together with statements in circulars accompanying the various shipments, were false and misleading in that the said words, designs, pictures, and statements created the impression in the mind of the reader that the article, when used as directed and in conjunction with and as a part of the so-called plans referred to in the circulars as No. 1 Plan and No. 2 Plan, would because of its composition and characteristics, be of substantial value in reducing body weight; that it would aid the consumer to reduce pleasantly and without effort and would aid the consumer to keep the weight down after having reduced to the desired weight; and that it would aid the consumer to cut down on the amount of food eaten without feeling pangs of hunger, distress, faintness or debilitation; whereas it would not be efficacious for the purposes suggested.

It also was alleged to be misbranded in violation of the provisions of the law applicable to foods, as reported in notices of judgment on foods.