

article was labeled in part: "Floritone \* \* \* Manufactured by Vitoelectic Food Co. 903 Eddy Street Providence, R. I."

The article was alleged to be misbranded in that the statements appearing on the label, "If an increase in weight is desired take Floritone between meals. If a decrease in weight is desired take Floritone with meals. Large quantities of Floritone are desirable in diarrhea and toxemia," were false and misleading since they represented and suggested that the article would increase and decrease weight, and that it would be effective in the treatment of diarrhea and toxemia, whereas it would not be efficacious for such purposes.

On September 20, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed

**1133. Misbranding of Miracle Slenderizing Cream. U. S. v. 16 Jars, 44 Jars, and 7 $\frac{3}{4}$  Dozen Jars of Miracle Slenderizing Cream, and 92 Circulars. Default decrees of condemnation and destruction. (F. D. C. Nos. 11801, 12875, 12876. Sample Nos. 57237-F, 57238-F, 63480-F, 70029-F.)**

On or about February 16 and July 7 and 15, 1944, the United States attorneys for the District of New Jersey, the District of Utah, and the Northern District of Georgia filed libels against 44 jars of Miracle Slenderizing Cream at Newark, N. J., 7 $\frac{3}{4}$  dozen jars at Atlanta, Ga., and 16 jars and 92 circulars at Salt Lake City, Utah, alleging that the article had been shipped within the period from on or about November 16, 1943, to May 22, 1944, by Miracle Products from Chicago, Ill.; and charging that it was misbranded.

Analysis of a sample of the article showed that it consisted essentially of Epsom salt in an ointment base perfumed with methyl salicylate.

The article was alleged to be misbranded in that certain statements on the jar label and in circulars entitled "The Miracle Plan for a Slender Body," and "For the Preservation and Enhancement of Beauty," which accompanied the article when it was introduced into and while it was in interstate commerce, were false and misleading since they represented and suggested that the article would be effective in the reduction of surplus weight, whereas it would not be effective for that purpose.

It was alleged in the libel filed with respect to the lot seized at Newark that the circulars accompanied the article when introduced into and while in interstate commerce in the following manner: The Miracle Products shipped the circulars on or about November 24, 1943, and on November 16 and 26, 1943, shipped the Miracle Slenderizing Cream at Newark, where the drug and the circulars were brought together for distribution to purchasers; and that the joint shipment and receipt of the drug and the circulars relating thereto for joint distribution constituted a transaction in interstate commerce between the shipper and the consignee whereby the circulars accompanied the article when it was introduced and while it was in interstate commerce.

On April 17, August 8, and September 30, 1944, no claimant having appeared, judgments of condemnation were entered and the product, including the circulars in the Salt Lake City lot, was ordered destroyed.

**1134. Misbranding of Nulfey Tablets and Genuine O. B. C. Capsules. U. S. v. 54 Packages of Nulfey Tablets and 54 Packages of Genuine O. B. C. Capsules (and 1 other seizure action against Nulfey Tablets). Default decrees of condemnation and destruction. (F. D. C. Nos. 10328, 11446. Sample Nos. 22654-F, 22655-F, 22867-F.)**

On July 27 and December 16, 1943, the United States attorneys for the District of New Jersey and the District of Delaware filed libels against 54 packages of Nulfey Tablets and 54 packages of Genuine O. B. C. Capsules at Atlantic City, N. J., and 61 packages of Nulfey Tablets at Wilmington, Del., alleging that the articles, which had been consigned by the William A. Reed Co. on or about April 26, May 20, and June 10, 1943, had been shipped from Philadelphia, Pa.; and charging that they were misbranded.

Examination of the Nulfey Tablets disclosed that the article consisted essentially of sodium salicylate, sodium biphosphate, methenamine, and plant drugs including a laxative drug.

It was alleged to be misbranded because of false and misleading statements in its labeling which represented and suggested that the article would be effective for the relief of rheumatism, arthritis, neuritis, and sciatica; and that an article that was a diuretic and analgesic would be effective for the relief of kidney dysfunction.

Examination of the Genuine O. B. C. Capsules disclosed that the article consisted essentially of phenolphthalein, caffeine, and clay; that the statement of

ingredients appeared in small type on the bottom of the box containing the article; and that the warnings required by law to appear in the labeling did not appear on the box but were inconspicuously placed in the circular entitled "How To Eat and Get Thin the O. B. C. Way."

It was alleged to be misbranded in that certain statements in its labeling were false and misleading since they represented and suggested that the article would be effective in the reduction of weight, whereas it was merely a phenolphthalein laxative and would not be so effective; and in that the statement of active ingredients and warnings against use and unsafe dosage or methods or duration of administration were not prominently placed upon the labeling with such conspicuousness, as compared with other words, statements, designs, or devices in the labeling, as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

On November 27, 1943, and January 26, 1944, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

**1135. Misbranding of Medrex Ointment and Medrex Soap. U. S. v. 634 Dozen Packages and 58 Dozen Packages of Medrex Ointment, and 49 Dozen Cartons of Medrex Soap. Consent decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 10399. Sample Nos. 44455-F to 44457-F, incl.)**

On August 14, 1943, the United States attorney for the Southern District of New York filed a libel against 634 dozen 1-ounce packages and 58 dozen 2-ounce packages of Medrex Ointment, and 49 dozen cartons containing 3 bars each of Medrex Soap, at New York, N. Y., alleging that the articles had been shipped on or about April 7, May 12, and June 30, 1942, from Philadelphia, Pa., by the William A. Reed Co.; and charging that they were misbranded.

Examination disclosed that the Medrex Ointment consisted essentially of zinc oxide and petrolatum with small amounts of acetanilid, starch, methyl salicylate, benzoic acid, carbolic acid, and salicylic acid; and that the Medrex Soap was a flesh-colored, perfumed soap containing small amounts of a zinc compound, starch, and salicylic acid.

The articles were alleged to be misbranded because of false and misleading statements in their labeling which represented and suggested that, when used as directed, they were effective for the relief of itching and irritation accompanying eczema, and for the treatment of pimples, scalp eruptions, blotches, and other skin conditions of an external origin.

On December 9, 1943, Martin A. Levitt, trading as the William A. Reed Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

**1136. Misbranding of Ourine. U. S. v. 526 Cartons of Ourine (and 4 other seizure actions against Ourine). Default decree of condemnation and destruction. (F. D. C. Nos. 10178, 11808, 11809, 11859, 11860. Sample Nos. 11250-F, 11254-F, 11259-F, 11590-F, 39537-F, 40312-F, 41433-F, 60709-F.)**

Between August 21, 1943, and February 23, 1944, the United States attorneys for the Northern and Southern Districts of California, the Southern District of Texas, and the District of Minnesota filed libels against the following quantities of Ourine: 1,256 bottles at San Francisco, Calif., 37 bottles at Minneapolis, Minn., and 526 cartons and 128 cartons, each containing 1 bottle, at Los Angeles, Calif., and Houston, Tex., respectively; alleging that the article, which had been consigned by the Aurine Co., Inc., had been shipped from Chicago, Ill., within the period from on or about April 6, 1943, to on or about January 26, 1944; and charging that it was misbranded.

Examination disclosed that the article consisted essentially of water, glycerin, boric acid (1.1 percent), carbolic acid (0.18 percent), and traces of alcohol, camphor, clove oil, and extracts of plant drugs.

The article was alleged to be misbranded because of false and misleading statements which appeared in the booklet entitled "The Care of the Ears," and which represented and suggested that the article, when used as directed, would prevent or remedy deafness; that it would effect good hearing by reason of the alleged antiseptic, analgesic, astringent, or anesthetic properties of its ingredients; that it was a safe and appropriate treatment for earaches resulting from bulging or congestion of the tympanic drum; that it would act as a tonic and relieve local catarrhal conditions, pain, soreness, or inflammatory conditions; that it would serve as a protective of the skin and mucous membranes and act as a healing agent; that it would overcome ineffective hearing; that it would give better