

"Tea No. 13. * * * Ingredients: Flowers; Lavender. Origan. Marjoram. Seeds; Angelica, Anise, Caraway, Coriander, Fennel. Roots; Angelica. Vehicle; Hazel leaves."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the labels of the articles were false and misleading. The statements represented and suggested that the articles were effective in the treatment of the following diseases, symptoms, and conditions; (No. 1 Tea) diabetes; (No. 3 Tea) rheumatism, gout, sciatica, arthritism; (No. 11 Tea) obesity, paralysis, goiter, arteriosclerosis; (No. 14 Tea) bad circulation, varicose veins, piles, congestion, phlebitis, hemorrhage; (No. 16 Tea) heart disease, kidneys, liver, and urinary organs; (No. 18 Tea) ulcers of the stomach and the intestines; (No. 6 Tea) nervousness, epilepsy, St. Vitus' dance, hysteria, neurasthenia; (No. 20 Tea) Spring and Autumn conditions, infectious disease, poor appetite; (No. 4 Tea) "anemia" and critical age; (No. 7 Tea) whooping cough and all respiratory troubles in children; (No. 8 Tea) menstrual irregularity, insufficiency, and menopause; (No. 10 Tea) diarrhea and enteritis; (No. 12 Tea) pimples, acne, and vitiated blood; and (No. 13 Tea) stomach complaints. The articles were not effective in the treatment of such diseases, symptoms, and conditions.

DISPOSITION: September 27, 1948. Default decree of condemnation and destruction.

2706. Misbranding of Prostall. U. S. v. 10 Bottles, etc. (F. D. C. No. 26382. Sample No. 32509-K.)

LIBEL FILED: January 13, 1949, Northern District of California.

ALLEGED SHIPMENT: By Douglas Laboratories, Inc., from Boston, Mass. The product was shipped on or about November 12, 1948, and a number of leaflets were shipped on or about October 29, 1948.

PRODUCT: 10 100-capsule bottles of *Prostall* at San Francisco, Calif., together with a number of leaflets entitled "The Story of Prostall." In addition a placard which was prepared by the consignee was displayed with the product. The shipper, however, had suggested the wording to be used on the placard in a letter dated February 27, 1947. Analysis showed that the product consisted of amino acids.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the bottle label and in the leaflets were false and misleading since they represented and suggested that the article was effective in the relief of pain and prostate hypertrophy, whereas the article was not effective for such purposes. The article was misbranded in this respect when introduced into and while in interstate commerce.

Further misbranding, Section 502 (a), certain statements on the placard were false and misleading since they represented and suggested that the article was effective in the relief of urinary frequency and nocturia, whereas the article was not effective for such purposes. The article was misbranded in the latter respect while held for sale after shipment in interstate commerce.

DISPOSITION: March 1, 1949. Default decree of condemnation. The product was delivered to the Food and Drug Administration.

2707. Misbranding of Eskimo Vibrator. U. S. v. Bersted Manufacturing Co. Plea of nolo contendere. Fine of \$100 and costs. (F. D. C. No. 26695. Sample Nos. 20728-K, 31625-K.)

INFORMATION FILED: May 9, 1949, Northern District of Ohio, against the Bersted Manufacturing Co., a corporation, Fostoria, Ohio.

ALLEGED SHIPMENT: On or about August 24 and September 7, 1948, from the State of Ohio into the States of Nebraska and California.

PRODUCT: Examination disclosed that the product was an electric vibrator with various attachments, consisting of one cup applicator attached to the device, one sponge rubber applicator, one solid applicator, and one scalp applicator.

LABEL, IN PART: "Eskimo Two Speed Vibrator."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label of the device and in an accompanying circular entitled "Vibrator Two Speeds Vibrate Your Way To Health and Beauty" were false and misleading. These statements represented and suggested that the device would be efficacious in the treatment of sore muscles, headaches, rheumatism, and constipation; that it would cause curative action by increasing the circulation of the blood and stimulating the nerves; that it would be efficacious in the treatment of neuralgia, blackheads, obesity, insomnia, nervousness, double chin, wrinkles, and sagging muscles; and that it would vibrate the user to health and beauty. The device would not be efficacious for such purposes.

DISPOSITION: May 24, 1949. A plea of nolo contendere having been entered, the court imposed a fine of \$100 and costs.

2708. Misbranding of Eskimo Vibrator. U. S. v. 94 Devices * * *. (F. D. C. No. 26405. Sample No. 25568-K.)

LABEL FILED: January 20, 1949, District of Minnesota.

ALLEGED SHIPMENT: On or about November 20, 1948, by the Bersted Manufacturing Co., from Fostoria, Ohio.

PRODUCT: 94 vibrators at Minneapolis, Minn. Examination showed that the device was an electric vibrator fitted with several attachments.

LABEL, IN PART: "Eskimo Two Speed Vibrator."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label of the device and in a circular attached to the device were false and misleading. The nature of the false and misleading statements is set forth in the preceding notice of judgment, No. 2707.

DISPOSITION: June 21, 1949. The Bersted Manufacturing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the device was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

DRUGS FOR VETERINARY USE

2709. Adulteration and misbranding of Annel Hog-Liquid and General Hog-Liquid. U. S. v. General Veterinary Co. and Carl R. Kleesick. Pleas of nolo contendere. Fine of \$40 and costs against company and \$10 against individual. (F. D. C. No. 25585. Sample Nos. 25213-K, 25222-K.)

INFORMATION FILED: January 12, 1949, District of Nebraska, against the General Veterinary Co., a partnership, Omaha, Nebr., and Carl R. Kleesick, a partner in the partnership.

ALLEGED SHIPMENT: On or about March 25 and April 23, 1948, from the State of Nebraska into the States of Minnesota and Iowa.

LABEL, IN PART: "Annel Hog-Liquid [or "General Hog-Liquid"] * * * Ingredients Calcium Phosphate Breechwood Creosote Potassium Iodide Ex-