

the company as a partnership was not a legal entity. The court denied such motion, and on April 8, 1949, a plea of not guilty was entered for the company.

On May 6, 1949, the case came on for trial before a jury and lasted until May 7, 1949. The jury returned a verdict of guilty as to the company and a verdict of not guilty as to the individual defendants.

On May 11, 1949, defense counsel filed a motion in arrest of judgment on the basis (1) that a partnership in Indiana is not a legal entity and can not be guilty of a criminal offense; (2) that the punishment of the partnership after each partner had been acquitted would constitute double jeopardy; and (3) that the punishment of the partnership after each partner had been acquitted would deprive the partners of liberty or property without due process of law.

On July 5, 1949, the court overruled the motion in arrest of judgment, and on July 14, 1949, it assessed a fine of \$500 against the partnership.

2924. Misbranding of Gramer's Sulgly-Minol. U. S. v. 105 Bottles, etc. (F. D. C. No. 27234. Sample Nos. 41224-K, 41239-K.)

LIBEL FILED: June 7, 1949, Western District of Washington.

ALLEGED SHIPMENT: On or about May 16, 1949, by Walter W. Gramer, from Minneapolis, Minn. The circulars were shipped during the month of November 1948, and on or about March 31, 1949, and bore the titles "Arthritis It's Grip Broken," "A Light Should Not Be Hidden," and "An Additional Discovery."

PRODUCT: 105 4-ounce bottles of *Gramer's Sulgly-Minol* and 200 circulars at Seattle, Wash. Analysis showed that the product consisted essentially of a lime and sulfur solution with a small amount of glycerin.

LABEL, IN PART: "Gramer's Sulgly-Minol."

NATURE OF CHARGE: Misbranding, Section 502 (a), the statement "For treatment of muscular pains, apply to soles of feet before retiring," which appeared on the bottle label, was false and misleading since the product when used as directed would not be effective in the treatment of muscular pains.

DISPOSITION: July 29, 1949. Default decree of condemnation and destruction.

2925. Misbranding of viscysate tablets and viscysate liquid. U. S. v. 36 Bottles, etc. (F. D. C. No. 27776. Sample Nos. 13157-K, 13158-K.)

LIBEL FILED: August 16, 1949, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 10, February 21, March 29, May 16, and July 11, 1949, by Ernst Bischoff Co., Inc., from Ivoryton, Conn.

PRODUCT: 36 bottles of *viscysate tablets* and 30 bottles of *viscysate liquid* at Philadelphia, Pa.

LABEL, IN PART: "50 Tablets Viscysate * * * Each Tablet Contains: Viscum Album (Solid Extract) 0.30 Gm. (4¾ grs.)" and "30 cc. Viscysate * * * Contents: Viscum Album extract . . . 86% Ethyl Alcohol . . . 14%."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label of the articles and in an accompanying leaflet entitled "Viscysate" were false and misleading. The statements represented and suggested that the articles were effective in the treatment of high blood pressure, vasomotor disturbances caused by excitement, overexertion, climacteric manifestations,