

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,

cardiac and renal insufficiencies, headache, tinnitus aurium, and vertigo. The articles were not effective in the treatment of such conditions.

DISPOSITION: September 14, 1949. Default decree of condemnation and destruction.

**2926. Misbranding of Aletris cordial and celerina. U. S. v. 69 Bottles, etc.**  
(F. D. C. No. 27300. Sample Nos. 55601-K, 55602-K.)

**LABEL FILED:** June 6, 1949, Western District of Oklahoma.

**ALLEGED SHIPMENT:** On or about April 5, 1949, by the Rio Chemical Co., from New York, N. Y.

**PRODUCT:** 69 7-ounce bottles of *Aletris cordial* and *celerina* at Oklahoma City, Okla.

**LABEL, IN PART:** "Aletris Cordial A Compound Content of Alcohol 27.8 Per Cent \* \* \* Formula: Each fluid ounce represents ten grains Aletris, thirty grains Helonias and thirty grains Scrophularia" and "Celerina Alcohol Forty-two Per Cent. Formula: Each fluid ounce represents forty grains each Kola and Crampbark; forty-eight grains Celery; Twenty grains Cypridium; sixteen grains Xanthoxylum and Aromatics."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the following statements on the labels of the articles were false and misleading since the articles were not effective in the treatment of the conditions referred to: (*Aletris cordial*) "For use in Functional Derangements of the Female Generative Organs" and (*celerina*) "For use in Functional Nervous Disorders."

DISPOSITION: July 27, 1949. Default decree of condemnation and destruction.

**2927. Misbranding of Hemophoresis-Ionization Unit. U. S. v. 1 Device, etc.**  
(F. D. C. No. 28234. Sample No. 57811-K.)

**LABEL FILED:** October 25, 1949, Southern District of California.

**ALLEGED SHIPMENT:** By D. P. Redding, from Kansas City, Mo. The device was shipped on or about March 16, 1949, and certain printed matter was shipped on or about January 8 and March 16, 1949.

**PRODUCT:** 1 *Hemophoresis-Ionization Unit*, a device, at Long Beach, Calif., together with a franchise agreement, a leaflet entitled "High Blood Pressure and Arthritic Case Reports," and a newspaper advertisement. The product was a device for converting the commercial electric current into a direct current of lower intensity. It was recommended for use in connection with a salt solution.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in the franchise agreement, leaflet, and newspaper advertisement were false and misleading. These statements represented and suggested that the device was effective in relieving high blood pressure, arthritis, and heart disease; that it was effective in the removal of calcareous substance (lime) from the blood vessels; and that it would restore proper blood circulation to any diseased organ. The device was not effective for the purposes stated and implied.

DISPOSITION: November 28, 1949. Default decree of condemnation. The court ordered that the device and printed matter be delivered to the Food and Drug Administration, for experimental and exhibit purposes.