

between the parties to permit the claimant to withdraw its claims upon payment of costs, but with the understanding that the claimant did not admit the misbranding of the product and that the entry of a default decree in the case should not be deemed an adjudication of the issues on the merits. In accordance with such stipulation, the court ordered that the claims be withdrawn; and on February 3, 1950, a default decree of condemnation and destruction was entered.

2947. Misbranding of medicated douche powder. U. S. v. 13 Dozen Cans * * *.
(F. D. C. No. 27291. Sample No. 41471-K.)

LIBEL FILED: June 2, 1949, Western District of Washington.

ALLEGED SHIPMENT: On or about February 11, and April 23, 1949, by Stanley Drug Products, Inc., from Portland, Oreg.

PRODUCT: 13 Dozen 5-ounce cans of *medicated douche powder* at Seattle, Wash. Analysis showed that the product consisted essentially of boric acid, alum, zinc sulfate, carbolic acid, oxyquinoline sulfate, and essential oils.

LABEL, IN PART: "Stanley's N D Medicated Douche Powder."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in an accompanying circular entitled "The Importance of PH" were false and misleading. The statements represented and suggested that the article was effective to aid in restoring and maintaining a healthy condition of the vagina and in the relief of minor irritations of the vagina, whereas the article was not effective for such purposes.

DISPOSITION: October 21, 1949. Default decree of condemnation and destruction.

2948. Misbranding of Wonder Bath and Wonder Cream. U. S. v. Kay Austin (Academy Vita Products Co.). Plea of guilty. Fine, \$500. (F. D. C. No. 24256. Sample Nos. 62848-H, 88192-H.)

INFORMATION FILED: June 17, 1949, District of New Jersey, against Kay Austin, trading as the Academy Vita Products Co., Newark, N. J.

ALLEGED SHIPMENT: On or about May 20 and July 12, 1947, from the State of New Jersey into the States of California and New York.

PRODUCT: Analysis disclosed that the *Wonder Bath* consisted of crystals of magnesium sulfate (epsom salt), interspersed with free sulfur, and having a strong odor of pine, and that the *Wonder Cream* consisted essentially of water, methyl salicylate, sodium stearate, and free stearic acid.

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statement "relax while reducing" appearing on the label of the *Wonder Bath* was false and misleading. The statement represented and suggested that the *Wonder Cream* and the *Wonder Bath* in combination would be efficacious to cause the user to lose weight, whereas the articles would not be efficacious for that purpose.

DISPOSITION: December 16, 1949. A plea of guilty having been entered, the court imposed a fine of \$500.

2949. Misbranding of Roll-A-Ray (device). U. S. v. 133 Cartons * * *.
(F. D. C. No. 26948. Sample No. 8623-K.)

LIBEL FILED: March 23, 1949, Eastern District of New York.

ALLEGED SHIPMENT: On or about February 11, 1948, by the O. A. Sutton Corp., from Wichita, Kans., to New York, N. Y., and thereafter on or about November 10, 1948, to Long Island City, N. Y.