

A few drops in a basin of hot water, inhaled deeply, will bring relief from stuffed-up head, accompanying colds. In the Inhalator: The use of this preparation before retiring aids comfortable breathing * * * Sun-O-Ray Products 8323 So. Crandon Ave. Chicago 17, Ill."

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the articles failed to bear adequate directions for use in the prevention and treatment of sinusitis, arthritis, weak eyes, pyorrhea, bad tonsils, catarrh, colds, infection of the eyes, running of the ears, loss of teeth, polio, and tuberculosis, in the lubrication of the eyes and joints, and in the killing of germs and purification of the air, which were the diseases, symptoms, conditions, and purposes for which the articles were prescribed, recommended, and suggested by the defendant as stated above.

DISPOSITION: May 10, 1950. Following the removal of the criminal proceedings against the defendant to the Northern District of Illinois for the entry of a plea, a plea of nolo contendere was entered and the court imposed a fine of \$10 and costs, and sentenced the defendant to serve 1 hour in the custody of the United States marshal.

3149. Misbranding of Spectro-Chrome. U. S. v. 1 Device * * * (and 26 other seizure actions). (F. D. C. Nos. 16788, 16789 to 16791, incl., 16820 to 16822, incl., 16824, 16827, 16836, 16903 to 16906, incl., 16920, 17017, 17020, 17270 to 17272, incl., 17276, 17279, 17679, 18139, 18140, 18829, 18888. Sample Nos. 3227-H, 4094-H, 4145-H, 4157-H, 4173-H, 4176-H to 4178-H, incl., 4848-H, 16305-H, 16307-H, 16309-H, 16313-H to 16317-H, incl., 16334-H, 16336-H, 16347-H, 16348-H, 16910-H, 16911-H, 17395-H to 17399-H, incl.)

LIBELS FILED: Between July 16, 1945, and January 31, 1946, Eastern District of Wisconsin, Eastern District of Pennsylvania, and Eastern District of Virginia.

ALLEGED SHIPMENT: Between the early part of 1943 and November 11, 1945, by Dinshah P. Ghadiali, from Newfield, N. J.

PRODUCT: 27 *Spectro-Chrome* devices at Milwaukee, West Bend, Racine, Sheboygan, Barton, Sheboygan Falls, and Hartford, Wis.; Egypt, Pa.; and Portsmouth, Va.

Examinations showed that the device consisted essentially of a cabinet equipped with an electric light bulb, an electric fan, a container for water, glass condenser lenses, and glass slides, each of a different color. The cabinet had an opening in the front in which the glass slides could be inserted and through which the light from the bulb would emit.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label of each device were false and misleading. The statements on the labels of some of the devices represented and suggested that the devices were capable of measuring and restoring human radioactive and radioemanative equilibrium (normalation of imbalance) by attuned color waves; and the statements on the label of other devices represented and suggested that the devices were capable of restoring, maintaining, or otherwise favorably influencing the health of the user. The devices were incapable of measuring and restoring human radioactive and radioemanative equilibrium (normalation of imbalance) by attuned color waves since the devices were incapable of performing any function of measurement; there is in the human system no radioactive or radioemanative equilibrium; the use of color waves would have no effect on normal-

ation of imbalance; the devices were incapable of restoring, maintaining, or otherwise favorably effecting the health of the user; and use of color waves would have no effect on health.

Further misbranding, Section 502 (a), certain statements in the printed and graphic matter accompanying a number of the devices were false and misleading. The statements represented and suggested that the device when used as directed would be efficacious in the cure, mitigation, treatment, and prevention of all disorders of the heart, lungs, skin, nutrition, mentality, emotions, inflammation, disorders with pain, with swelling, with fever, or with redness, disorders of the blood, genitals, females, children, teeth, motor system, sensory system, gonorrhoea, syphilis, ulcers, chancres, smallpox, scarlet fever, diphtheria, whooping cough, chicken pox, measles, German measles, mumps, fallen womb, habitual tendency to miscarriage, burns of any degree, sunstroke, diabetes, sex frigidity, accident, dog bite, eye disorder, ear abscess, mastoiditis, constipation, colds, gastritis, nervousness, ophthalmitis, rectal abscess, high blood pressure, poor circulation, tuberculosis, piles, varicose veins, aphonia, headache, hay fever, dizziness, sleeplessness, rash, poison ivy, stomach ulcers, sciatica, tachycardia, nose bleeding, lung hemorrhage, leg ulcer, prostate disorder, kidney disorder, tonsillitis, pleurisy, appendicitis, gout, pneumonia, removal of tumors, leaky heart, hiccoughs, arthritis, rheumatism, cataract, and X-ray and radium destruction; that the article would be effective in the control of cancerous growths, removal of certain types of blindness and deafness, and normalation of refractory carbuncles; that the device was a liver energizer, hemoglobin builder, respiratory stimulant, parathyroid depressant, thyroid energizer, antispasmodic, galactagogue, antirachitic, emetic, stomachic, lung builder, motor stimulant, alimentary tract energizer, lymphatic activator, splenic depressant, digestant, cathartic, cholagogue, anthelmintic, nerve builder, cerebral stimulant, thymus activator, antacid, chronic alterative, antiscorbutic, laxative, expectorant, bone builder, pituitary stimulant, disinfectant, purificatory, antiseptic, germicide, bactericide, detergent, muscle and tissue builder, cerebral depressant, acute alterative, tonic, skin builder, antipruritic, diaphoretic, febrifuge, counterirritant, anodyne, demulcent, vitality builder, parathyroid stimulant, thyroid depressant, respiratory depressant, astringent, sedative, pain reliever, hemostatic, inspissator, phagocyte builder, splenic stimulant, cardiac depressant, lymphatic depressant, leucocyte builder, venous stimulant, renal depressant, antimalarial, vasodilator, anaphrodisiac, narcotic, antipyretic, analgesic, sex builder in supernormal, suprarenal stimulant, cardiac energizer, diuretic, emotional equilibrator, auric builder, arterial stimulant, renal energizer, genital excitant, aphrodisiac, emmenagogue, vasoconstrictor, ecbolic, sex builder in subnormal and other diseases, conditions, symptoms, and disorders; and that the device when so used as directed would constitute a safe and appropriate treatment. The device when used in accordance with the directions for use, or when used in any manner whatsoever, was of no value in the cure, mitigation, treatment, or prevention of any disease, disorder, condition, or symptom, and was of no value in affecting the structure, or any functions, of the body of man, and when so used as directed, may delay appropriate treatment of serious diseases, resulting in serious or permanent injury, or death to the user.

Further misbranding, Section 502 (f) (1), the labeling of one of the devices failed to bear adequate directions for use since it bore no directions for use.

DISPOSITION: Between October 23, 1945, and October 11, 1946. The consignees of 21 of the devices were Rose Regar, Edw. J. Schwalbach, Jacob Leszczynski, Ella Minnie Severin, Josephine Wysocki, Emma Taves, Elsie Hegel, Geraldine M. Peter, Agnes Skalecki, Hedwig Bakula, Adam Spaeth, Emma A. Wuerker, Herman R. Leudtke, Lena Lambrecht, Anna Jessen, Lydia Thieme, Elsie Wilke, Alfred C. Taddey, William Endwig, Edw. T. Rippey, and Sophie Walkiewicz.

When the United States marshal first attempted to make seizure of the 21 devices, the consignees refused to surrender them. Accordingly, proceedings were instituted to compel the consignees to surrender their devices, and as a result of such proceedings, all of the consignees except Hedwig Bakula and Emma A. Wuerker complied. Hedwig Bakula and Emma A. Wuerker were cited for contempt, following the issuance of orders to show cause why their devices should not be surrendered and their subsequent refusal to comply with the orders of the court to surrender the devices. Hearings were held in the matter, and at their conclusion, Hedwig Bakula and Emma A. Wuerker adjudged guilty of contempt. Each was sentenced to pay a fine of \$100 and to be committed to the custody of the United States marshal for a period of 30 days, with the provision, however, that they could purge themselves of such contempt by delivering their devices to the marshal within 24 hours. Hedwig Bakula and Emma A. Wuerker thereupon surrendered their devices.

Following the surrender of the 21 devices held by the above-named consignees, opportunity to appear as claimants was afforded to these individuals, as well as to the consignees of the 6 other devices who had not opposed seizure. However, no claims for any of the devices were made, and, accordingly, judgments of condemnation were entered. The court ordered that one of the devices be delivered to the Food and Drug Administration and that the other devices be destroyed.

DRUGS ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS*

3150. Adulteration and misbranding of castor oil. U. S. v. The National Specialty Co. and William Hoyt Elliott. Pleas of nolo contendere. Fine of \$101 against defendants. (F. D. C. No. 26688. Sample No. 39494-K.)

INFORMATION FILED: April 18, 1949, Middle District of Tennessee, against The National Specialty Co., a corporation, Nashville, Tenn., and William Hoyt Elliott, president of the corporation.

ALLEGED SHIPMENT: On or about July 9, 1948, from the State of Tennessee into the State of Alabama.

LABEL, IN PART: "Nasco Brand Castor Oil."

NATURE OF CHARGE: Adulteration, Section 501 (d) (2), a substance, spirits of turpentine, had been substituted for *castor oil*.

Misbranding, Section 502 (a), the label statement "Castor Oil" was false and misleading since the article did not consist of *castor oil* but did consist of spirits of turpentine.

DISPOSITION: May 15, 1950. Pleas of nolo contendere having been entered, the court imposed a total fine of \$101 against the defendants.

*See also No. 3159 (veterinary preparation).