

spine, enlarged heart, valvular heart leakage, floating kidney, female troubles, fallen uterus, piles, tumors, enlarged tonsils, and swollen glands; (calcareo phos.) anemia, delayed dentition, diarrhea, backache, bladder stones, curvature of the spine, abscess or tuberculosis of the bone, Bright's disease, chronic diseases, colic, constipation, tuberculosis, diabetes, dropsy, gallstones, menstrual disorders, rickets, and cancer; (calcareo sulph.) skin eruptions, catarrh, cough, ulceration of the teeth, bleeding gums, sick stomach, all ulcerations, chronic inflammation, chronic hip joint disease, bone ulcers, tuberculosis of the bone, and smallpox; (ferrum phos.) fever, colds, nosebleed, cough, inflammation, soreness, hemorrhage, pneumonia, diphtheria, tuberculosis, blood poison, every disease in the acute form where a raging high fever becomes the crisis, felon, cancer, abscess, rheumatism, smallpox, and nephritis; (kali mur.) catarrh, coughs, indigestion, diarrhea, mumps, scarlet fever, measles, chicken pox, diphtheria, croup, membranous croup, pneumonia, syphilis, gonorrhoea, bubo, chancre, cancer, and smallpox; (kali phos.) nervousness, restlessness, sleeplessness, discharges from any organ of the body, cholera, locomotor ataxia, muscular weakness, bloody dysentery, itching piles, mental derangements, foul discharges from ears, loss of sight from diphtheria, brain fever, palpitation of the heart, paralysis, infantile paralysis, smallpox, alcoholism, and rickets; (kali sulph.) catarrh, coughing spells and oppressed breathing, hard, hoarse, or croupy cough, eczema, asthma, bronchitis, cancer, consumption, measles, scarlet fever, typhoid, pneumonia, smallpox, and nephritis; (magnesia phos.) neuralgic pains and headaches, bloat, colic, cramps, acute cough, enuresis, convulsions, stammering, stuttering, spasms, fits, epilepsy, lockjaw, St. Vitus' dance, palsey, and nephritis; (natrum mur.) colds, throat and bronchial irritations, hay fever, dropsy, dysentery, sunstrokes, diabetes, cancer, chronic skin diseases, ringworm, and shingles; (natrum phos.) diarrhea, sour vomiting, muscular pains, diabetes, erysipelas, female trouble, scrofula, eczema, worms, and pyorrhoea; (natrum sulph.) bilious headaches, colds, colic, chills, diarrhea, disordered stomach, coated tongue, vomiting of bile, yellowish skin, dizziness, flu, la grippe, diabetes, liver trouble, gall bladder and pancreatic disturbances, painter's colic, jaundice, malaria, yellow fever, erysipelas, and ringworm; and (silicea) boils, ulcerations, ailments attended with pus formation, chronic catarrh, all deep-seated pus in the blood, chronic skin diseases, gouty, rheumatic troubles, falling hair, heavy headache, leprosy, sty on the eyelid, felons, measles, smallpox, and rickets.

The articles were misbranded when introduced into, while in, and while held for sale after shipment in, interstate commerce.

DISPOSITION: May 31, 1950. The Universal Mineral Food Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the court ordered that the products be released under bond for relabeling, under the supervision of the Federal Security Agency.

3197. Misbranding of Facial and Body Genie device. U. S. v. 1 Device, etc.
(F. D. C. No. 27851. Sample No. 1870-K.)

LIBEL FILED: On or about September 30, 1949, Southern District of Florida.

ALLEGED SHIPMENT: On or about May 10, 1949, by Harvey, Inc., from Macon, Ga.

PRODUCTS: 1 *Facial and Body Genie device* at Coral Gables, Fla., together with an accompanying booklet, a white leaflet, and a yellow leaflet, all entitled "Facial and Body Genie."

The device was an electrical apparatus utilizing 110-volt, 60-cycle alternating current, supplied from an ordinary wall socket. It operated as a pulsed electronic oscillator, and was equipped with attachments for applying the output to various parts of the skin of a patient. Controls on the front panel of the device provided a means for controlling the pulse rate and voltage output. The physiological effect of the device when used as directed was a pulsed electrical stimulation of various parts of the human body.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements and designs in the accompanying booklet and leaflets were false and misleading since the device was not effective for the purposes stated and implied. The statements and designs represented and suggested that the device would be efficacious for facial rejuvenation and for removing wrinkles; that involuntary muscles around the eyes and mouth could be exercised perfectly by use of the device; that the device was primarily useful in helping the muscles of the face, bust, and stomach which have become small and flabby; that it would firm and tighten the stomach and bust muscles and strengthen the foot and leg muscles; that it was the key to youthful contour; that it would soften the wrinkles that years and worry add; and that it would give the natural elasticity of youth to hold sagging cheeks, drooping mouth lines, and chins more firmly in place.

DISPOSITION: A motion to dismiss the libel was filed on behalf of Harvey, Inc., on the grounds that the libel was insufficient to state a cause of action; that the material contained in the booklet and leaflets was not attached to or made a part of the device; and that the libel failed to show in what respects the statements in such booklet and leaflets were false and misleading.

On December 2, 1949, a hearing was held on the motion to dismiss, at the conclusion of which the court entered an order denying the motion. An answer was thereupon filed on behalf of Harvey, Inc., denying that the device was misbranded. Thereafter, Harvey, Inc., consented to the entry of a decree; and, accordingly, on August 24, 1950, judgment of condemnation was entered and the court ordered that the device be delivered to the Food and Drug Administration.

DRUGS FOR VETERINARY USE

3198. Misbranding of Super Culture all purpose feed and Special dairy feed. U. S. v. William Hite (Super Culture Sales Co.); (2 informations). Plea of guilty. Imposition of sentence suspended and defendant placed on probation for 2 years. (F. D. C. Nos. 25567, 25575. Sample Nos. 24397-K to 24399-K, incl.)

INFORMATIONS FILED: November 24, 1948, and March 14, 1949, District of Minnesota, against William Hite of Mankato, Minn., trading as the Super Culture Sales Co. at Sioux City, Iowa.

INTERSTATE SHIPMENT: On or about December 9, 1946, and July 2 and September 22, 1947, from the State of Iowa into the State of Minnesota.

ALLEGED VIOLATION: (First information). Between the approximate dates of December 15, 1946, and December 12, 1947, while the *Super Culture all purpose feed* was being held for sale after shipment in interstate commerce, the defendant, at Lake Crystal, Minn., caused certain circulars entitled "Super Culture Feed" and "Guarantee And Refund Contract" to accompany the article, which act resulted in the article being misbranded.