and allergic disorders, whereas the tablets would not be efficacious for such purposes.

DISPOSITION: November 24, 1950. Pleas of nolo contendere having been entered on behalf of the corporation to counts 1 and 2 and on behalf of the individual to count 2, the court imposed a fine of $125 against each defendant. Count 1 against the individual was dismissed.

**3315. Misbranding of Sodeene Osmotic Bath. U. S. v. 26 Cartons, etc.** (F. D. C. No. 29388. Sample Nos. 71229–K to 71231–K, incl.)

LIBEL FILED: July 17, 1950, Southern District of California.

ALLEGED SHIPMENT: On or about June 20 and 28 and July 5, 1950, by the Consultants Laboratories of New Jersey and by H. H. Marshall, from Garden City, N. Y.

PRODUCT: 26 cartons, each containing 8 24-ounce packages, of *Sodeene Osmotic Bath* at Bellflower, Calif., together with a number of circulars entitled "Sodeene A New Type Of Therapy."

Examination indicated that the product consisted essentially of sodium carbonate, a wetting agent such as sodium lauryl sulfate, and an extract of plant material.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the accompanying circulars were false and misleading. These statements represented and suggested that the article was effective in the treatment of deep-seated infection, arthritis, sinusitis, rheumatic fever, inflammatory rheumatism, sciatica, neuritis, and many infections in the body fluids, including those of a virus nature, and that the article would be effective in bringing about a reabsorption of calcium deposits and in preventing polio, whereas the article was not effective in the treatment of the conditions stated and implied.

Further misbranding, Section 502 (a), the labeling, namely, the accompanying circular, contained statements which represented and suggested that the product had been approved by the Food and Drug Administration as effective in the treatment of the disease conditions stated, which statements were misleading since the Food and Drug Administration had not approved the product for the treatment of such disease conditions.

DISPOSITION: August 17, 1950. Default decree of condemnation and destruction.

**3316. Misbranding of Facializer device, DermaCulture Contour Mold device, DermaCulture Formula No. 103, cleansing lotion, herbal astringent, granular cleanser, DermaCulture Formula No. 102, and DermaCulture Formula No. 104. U. S. v. 1 Facializer Device, etc.** (F. D. C. No. 27639. Sample Nos. 55233–K, 55252–K to 55256–K, incl., 55258–K, 55259–K.)

LIBEL FILED: August 22, 1949, Western District of Missouri.

ALLEGED SHIPMENT: On or about June 6 and December 2, 1948, and March 8, April 7, July 25, and August 5, 1949, by DermaCulture, Ltd., from Los Angeles, Calif.

PRODUCT: 2 *Facializer devices* with accessories, 20 *DermaCulture Contour Mold devices*, and a number of drugs at Kansas City, Mo., together with a manual entitled "DermaCulture NRB. 339." The drugs consisted of 26 2-ounce bottles of *DermaCulture Formula No. 103*, 24 bottles of *cleansing lotion*, 24 bottles of *herbal astringent* in 4-ounce, 8-ounce, and 1-pint sizes, 20 4-ounce jars of *granular cleanser*, 16 1-ounce bottles of *DermaCulture Formula No. 102, and*

16 1-ounce bottles of *DermaCulture Formula No. 104* (also called "Steaming Lotion").

Examination disclosed that the *Facializer device* was an electronic device designed to produce a vacuum and to transform commercial electric current to a galvanic current of low voltage and low amperage; that the *DermaCulture Contour Mold device* consisted of sponge rubber, with adjustable fasteners for holding under the chin; that the *DermaCulture Formula No. 103* consisted essentially of water, iron, zinc, and magnesium compounds, including sulfates and citrates; that the *cleansing lotion* consisted essentially of an emulsion of fatty materials and water perfumed with methyl salicylate; that the *herbal astringent* consisted essentially of alcohol, glycerin, perfumes, and color; that the *granular cleanser* consisted essentially of talc, zinc oxide, starchy material, glycerin, and perfume; that the *DermaCulture Formula No. 102* consisted essentially of iron and sodium compounds, salicylates, and phosphates; and that the *DermaCulture Formula No. 104* consisted essentially of water, extracts of plant materials, and formaldehyde.

NATURE OF CHARGE: Misbranding, Section 502 (a) certain statements appearing in the manual recommending the use of the *Facializer device* with one or more of the drugs were false and misleading. The statements implied and suggested that the device and the drugs would constitute an effective treatment for facial blemishes, acne, and scars; that they would give the user a firm youthful complexion; and that they would relieve nervous tension and pain. The device and the drugs would not be an effective treatment for such purposes.

Further misbranding, Section 502 (b) (1), the *DermaCulture Formulae Nos. 102, 103, and 104* failed to bear labels containing the place of business of the manufacturer, packer, or distributor.

Further misbranding Section 502 (e) (2), the drugs with the exception of the *cleansing lotion* and the *granular cleanser*, were not designated solely by a name recognized in an official compendium, and they were fabricated from two or more ingredients and their labels failed to bear the common or usual name of each active ingredient; and with respect to the *herbal astringent*, the label also failed to bear the quantity, kind, and proportion of alcohol contained therein.

Further misbranding, Section 502 (a), the following statements appearing in the direction sheet entitled "Contour Mold," which related to the *DermaCulture Contour Mold device*, were false and misleadng since the device was not effective in accomplishing the results suggested and implied: "Contour Mold. For correction of double chin, flabby jaw muscles and crepy throat. * * * acts as a soft tissue cast." Further misbranding, Section 502 (b) (1), the label of the *DermaCulture Contour Mold device* failed to bear the name and place of business of the manufacturer, packer, or distributor.

DISPOSITION: November 10, 1949. DermaCulture, Ltd., claimant, having consented to the entry of a decree, 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.

**3317. Misbranding of Roll a Ray heat massage device. U. S. v. 100 Devices * * *.** (F. D. C. No. 26258. Sample No. 42206-K.)

LIBEL FILED: January 17, 1949, Northern District of Illinois.