

an effective treatment for physical strain, overwork, mental fatigue, nervous tension, excessive alcoholism, loss of sleep, lack of energy and pep, laziness, hangovers, and mental strain, and that the article would cause one to feel good again and look better and nicer. The article was not an adequate and effective treatment for such conditions, and it would not effect such purposes. The article was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: October 27, 1953. McDonald Laboratories, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Department of Health, Education, and Welfare.

4259. Misbranding of Ko-rekT dental device. U. S. v. Demetrie C. Siampaus (Siampaus Mfg. Co.). Plea of not guilty. Tried to the jury. Verdict of not guilty on count 1 and verdict of guilty on count 2. Sentence of 90 days in jail suspended. Costs assessed and defendant placed on probation for 1 year. (F. D. C. No. 33788. Sample Nos. 33667-L, 46538-L.)

INFORMATION FILED: August 11, 1953, District of Nebraska, against Demetrie C. Siampaus, trading as the Siampaus Mfg. Co., Omaha, Nebr.

ALLEGED SHIPMENT: On or about January 1 and March 13, 1952, from the State of Nebraska into the States of Illinois and Louisiana.

PRODUCT: Examination showed that the *Ko-rekT dental device* consisted essentially of 2 counter-rotating rubber discs mounted on metal shafts turned by a handcrank for the purpose of cleaning the teeth and massaging the gums.

NATURE OF CHARGE: Count 1. Misbranding, Section 502 (a), certain statements in the accompanying labeling of the device, consisting of a cardboard carton insert headed "Throw Away Your Tooth Brush," were false and misleading. The statements represented and suggested that the device was adequate and effective for the prevention and treatment of bad breath, tartar formation, infected gums and their complications, tooth decay, and pyorrhea, and that the use of the device would assure a healthy mouth. The device was not adequate and effective for the prevention and treatment of the conditions mentioned, and the use of the device would not assure a healthy mouth.

Count 2. Misbranding, Section 502 (a), certain statements in the accompanying labeling of the device, consisting of a cardboard carton insert headed "Throw Away Your Tooth Brush," circulars headed "Turn On That Smile with Ko-rekT," and "The Dialogue Below Reveals the Weakest and Therefore the Most Dangerous Part of Our Body," and a leaflet headed "Throw Away Your Tooth Brush," were false and misleading. The statements represented and suggested that the device was adequate and effective for the prevention and treatment of bad breath, tartar formation, infected gums and their complications, tooth and gum trouble, tooth decay, toothache, pyorrhea, infected teeth, loss of teeth, loose teeth, and recession of the gums; that use of the device would assure healthy gums, healthy mouth, good health, and increased longevity; and that the device would rebuild the teeth and jaw bone and preserve youthful appearance. The device was not adequate and effective for the prevention and treatment of the conditions mentioned, and it would not fulfill the promises of benefit stated and implied.

DISPOSITION: December 12, 1953. The defendant having entered a plea of not guilty, the case came on for trial before the court and jury. At the conclusion of the trial, the jury returned a verdict of not guilty on count 1 and a verdict of guilty on count 2. The court sentenced the defendant on count 2 of the information to 90 days in jail, but suspended this sentence and placed the defendant on probation for 1 year. As a special condition of the probation, the defendant was ordered to pay the costs of the prosecution.

DRUG FOR VETERINARY USE

4260. Misbranding of Giatol. U. S. v. 14 Jugs * * *. (F. D. C. No. 35628. Sample No. 61563-L.)

LIBEL FILED: September 16, 1953, District of Kansas.

ALLEGED SHIPMENT: On or about November 20, 1952, by the Peerless Serum Co., from Kansas City, Mo.

PRODUCT: 14 jugs of *Giatol* at Kansas City, Kans.

LABEL, IN PART: (Jug) "MVSC 1 Gallon *Giatol* (Tasteless) Each Ounce Contains Active Ingredients: Potassium Guaiacolsulfonate 10%, Sodium Sulphocarbolate, Ammonium Chloride 15% Inert Ingredients: Oil Anise, Caramel, Glycerinated Base."

NATURE OF CHARGE: Misbranding Section 502 (a), certain statements on the label of the article, which represented and suggested that the article was an adequate and effective treatment for common inflammatory respiratory disorders of large animals, swine, and fowls, were false and misleading since the article was not an adequate and effective treatment for such conditions.

DISPOSITION: November 19, 1953. Default decree of condemnation and destruction.

INDEX TO NOTICES OF JUDGMENT D. D. N. J. NOS. 4241 TO 4260

PRODUCTS

	N. J. No.		N. J. No.
Adolphus, El Rancho, products--	4251	Dextro-amphetamine sulfate tabs	
Amphetamine, dextro-, sulfate tablets -----	4247, 4248	lets-----	4247, 4248
Amytal Sodium capsules-----	4241	El Rancho Adolphus products--	4251
Androgenic substance -----	4248	Emmenagogues-----	4245, 4250
Apiol and ergotin compound capsules-----	4245	Ergotin, apiol and, compound capsules -----	4245
Arthritis, remedy for. <i>See</i> Rheumatism, remedy for.		Gallstones, remedy for-----	4251
Aspirin, pentobarbital, and, tablets containing a mixture of	4248	<i>Giatol</i> -----	4260
Bursitis, remedy for. <i>See</i> Rheumatism, remedy for.		Gout, remedy for. <i>See</i> Rheumatism, remedy for.	
Dental device, Ko-rekT-----	¹ 4259	Green Kaps-----	4250
Devices -----	¹ 4259	Kidney stones, remedy for-----	4251
Dexedrine Sulfate tablets---	4242, 4249	Ko-rekT dental device-----	¹ 4259
		Lecithin, soya-----	4252
		Lumbago, remedy for. <i>See</i> Rheumatism, remedy for.	

¹ (4244, 4259) Prosecution contested.