

On June 7, 1940, the United States attorney for the Eastern District of Michigan filed a libel against 17 packages of Vibratherm at Ferndale, Mich., alleging that the article had been shipped in interstate commerce on or about April 29 and May 10, 1940, by Vitaphore Appliances, Inc., from South Bend, Ind.; and charging that it was misbranded.

Examination showed that the device was a black plastic cylindrical applicator with electrical connections so constructed as to enable one to apply heat and vibration to any portion of the body desired.

The article was alleged to be misbranded in that its labeling contained representations that it was efficacious in the treatment of pelvic infection including endometritis, simple cervicitis, chronic proctitis, colitis, and chronic salpingitis; that it was efficacious in the treatment of prostate trouble, including nervousness, irritability, inability to sleep soundly, melancholia, pain in the crotch and rectum, frequent and painful urination, a tense feeling of the bladder and rectum, severe, intense pain in the back, loins and thighs, decreased flow of urine; that it was efficacious to dilate the blood vessels, and relax the muscles; would reduce inflammation and relieve congestion; would be efficacious to stimulate the tissues, and assist in solution of prostate gland trouble; and would be efficacious to bring satisfactory relief and comfort, which representations were false and misleading since it would not be efficacious for such purposes.

On September 16, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**393. Misbranding of Vitaphore. U. S. v. 11 Devices labeled in part "Vitaphore." Default decree of condemnation and destruction. (F. D. C. No. 2231. Sample No. 7610-E.)**

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated hereinafter.

On June 20, 1940, the United States attorney for the Southern District of California filed a libel against 11 of the above-named devices at Glendale, Calif., alleging that the article had been shipped in interstate commerce on or about April 27, 1940, by Vitaphore Appliances, Inc., from South Bend, Ind.; and charging that it was misbranded.

Examination showed that the article was an electrical device so constructed as to apply vibration and heat to the body.

The device was alleged to be misbranded in that representations in the labeling that it was efficacious to improve the complexion, to maintain a skin of delicate charm and texture, to enable one to gain and retain vital health, buoyant youthfulness and glowing beauty; to soothe tired, sagging facial muscles, to strengthen and build firm tissues, to produce a youthful, healthy glow, to open the pores and penetrate dormant cells and tissues, to rejuvenate and restore at once; that it was efficacious in the treatment of headaches, incipient colds, neuritis, sinus pains, acne, scars, large pores, rough, reddened skin; that wrinkles and laughter lines would be miraculously erased; that it was efficacious in the treatment of oily skin, head colds, hay fever, skin diseases, varicose veins, asthma, backache, boils, carbuncles, bronchitis, croup, catarrh, constipation, earache, eyestrain, fatigue, falling hair, influenza, insomnia, painful or delayed menstruation, nervousness, pleurisy, pyorrhea, sciatica, stiff neck, tired feet, and pelvic and abdominal cramps, were false and misleading since it would not be efficacious for such purposes.

On August 12, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**394. Misbranding of Vitawine. U. S. v. 5% Dozen Bottles of Vitawine. Default decree of condemnation and destruction. (F. D. C. No. 2531. Sample No. 5268-E.)**

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated hereinafter.

On August 12, 1940, the United States attorney for the Southern District of Indiana filed a libel against 5% dozen bottles of Vitawine at Indianapolis, Ind., alleging that the article had been shipped in interstate commerce on or about April 3, 1940, by Interstate Laboratories, Inc., from Louisville, Ky.; and charging that it was misbranded. The article was labeled in part: "Vitawine \* \* \* A Vitamin B and Iron Tonic."

Analysis showed that the article contained alcohol (14.48 percent), iron and ammonium citrate (15.56 grains per fluid ounce), manganese citrate (0.63 grain per fluid ounce), and sodium citrate (5.23 grains per fluid ounce). Bio-

logical examination showed that it contained 500 International Units of vitamin B<sub>1</sub> per fluid ounce.

The article was alleged to be misbranded in that its labeling bore representations that it would assist in renewing health, restoring energy, enriching blood, increasing metabolism, and promoting normal growth; that it contained blood and body building ingredients; that it was indicated in any form of anemia; that it was a health tonic, ideal for those enfeebled by age and that it was efficacious in loss of appetite, nervousness, that it would provide nourishment, assist to strengthen and cleanse, restore and maintain vitality, vigor and health, tone up the intestinal tract, help prevent certain types of neuritis, prevent pellagra, inflammation of the skin, diarrhea, and mental and physical nervousness; that it was an organic revitalizer; that it would be efficacious in treating convalescents from debilitating diseases, and that it would correct sluggishness, mental fatigue, and tired worn-out feeling, which representations were false and misleading, since it would not be efficacious for such purposes.

On October 19, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**395. Misbranding of Noe's Graduated Exercisors and Massagers. U. S. v. 2 Packages each containing 14 Noe's Graduated Exercisors and Massagers. Default decree of condemnation. Product ordered delivered to welfare association. (F. D. C. No. 1977. Sample No. 1869-E.)**

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated hereinafter.

On May 27, 1940, the United States attorney for the District of Columbia filed a libel against 2 packages of the above-named product at Washington, D. C., alleging that the article had been shipped in interstate commerce from Memphis, Tenn., by Roy H. Noe on or about May 22, 1940; and charging that it was misbranded. The article was labeled in part: "To T. H. Mercer c/o General Delivery Washington, D. C." It consisted of two rubber belts, one equipped with handles, an instruction book, and a circular.

The article was alleged to be misbranded in that representations in the labeling that it was the fastest waist line reducing exercise known; would build health, eliminate constipation; that it was efficacious for massaging the pelvic organs and keeping the prostate gland normal, correcting gland trouble, strengthening the eyes, building up the tissues of the air passages through the head, cutting down the chances of head colds; that it would greatly help in furthering the hearing, in relieving sinus and catarrhal trouble, in reducing weight or in gaining weight; that it would be efficacious to feed the optic nerves, correct headaches, make one think quicker and better and that it was efficacious in high blood pressure; would correct low blood pressure and would be efficacious for rheumatism and for weak lungs, which representations were false and misleading, since it would not be efficacious for such purposes.

On June 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a welfare organization after the destruction of the labeling.

**396. Misbranding of Par-A-Pac reducing pads. U. S. v. 11 Packages of Par-A-Pac Reducing Pack and Natural Heating Pad, 7 Packages of Par-A-Pac Reducing Pack, and 10 Packages of Par-A-Pac Natural Heating Pad and Bandage. Default decree of condemnation and destruction. (F. D. C. No. 3198. Sample Nos. 14397-E, 14398-E, 14399-E.)**

The labeling of these products bore false and misleading representations regarding their efficacy in the conditions indicated hereinafter.

On October 15, 1940, the United States attorney for the District of New Jersey filed a libel against the above-named products at Ventnor and Atlantic City, N. J., alleging that they had been shipped in interstate commerce on or about May 21, 1940, by the Par-A-Pac Co. from New York, N. Y.; and charging that they were misbranded.

Examination showed that the devices consisted of belts or pads made up of layers of parchment, flannel, and rayon.

The articles were alleged to be misbranded in that representations in the labeling of the reducing belt that it would be efficacious for spot reducing, would reduce the waist line, abdomen, hips, thighs, legs, arms, or shoulders, would be effective to oxidize the superfluous fatty tissues and would slenderize without dieting or exercise; representations in the labeling of the reducing pack that it would be efficacious for spot reducing, would reduce the waist line, abdomen, hips, thighs, legs, arms, or shoulders, and would help throw off body toxins and waste, and