

article was labeled in part: "Floritone * * * Manufactured by Vitoelectic Food Co. 903 Eddy Street Providence, R. I."

The article was alleged to be misbranded in that the statements appearing on the label, "If an increase in weight is desired take Floritone between meals. If a decrease in weight is desired take Floritone with meals. Large quantities of Floritone are desirable in diarrhea and toxemia," were false and misleading since they represented and suggested that the article would increase and decrease weight, and that it would be effective in the treatment of diarrhea and toxemia, whereas it would not be efficacious for such purposes.

On September 20, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed

1133. Misbranding of Miracle Slenderizing Cream. U. S. v. 16 Jars, 44 Jars, and 7 $\frac{3}{4}$ Dozen Jars of Miracle Slenderizing Cream, and 92 Circulars. Default decrees of condemnation and destruction. (F. D. C. Nos. 11801, 12875, 12876. Sample Nos. 57237-F, 57238-F, 63480-F, 70029-F.)

On or about February 16 and July 7 and 15, 1944, the United States attorneys for the District of New Jersey, the District of Utah, and the Northern District of Georgia filed libels against 44 jars of Miracle Slenderizing Cream at Newark, N. J., 7 $\frac{3}{4}$ dozen jars at Atlanta, Ga., and 16 jars and 92 circulars at Salt Lake City, Utah, alleging that the article had been shipped within the period from on or about November 16, 1943, to May 22, 1944, by Miracle Products from Chicago, Ill.; and charging that it was misbranded.

Analysis of a sample of the article showed that it consisted essentially of Epsom salt in an ointment base perfumed with methyl salicylate.

The article was alleged to be misbranded in that certain statements on the jar label and in circulars entitled "The Miracle Plan for a Slender Body," and "For the Preservation and Enhancement of Beauty," which accompanied the article when it was introduced into and while it was in interstate commerce, were false and misleading since they represented and suggested that the article would be effective in the reduction of surplus weight, whereas it would not be effective for that purpose.

It was alleged in the libel filed with respect to the lot seized at Newark that the circulars accompanied the article when introduced into and while in interstate commerce in the following manner: The Miracle Products shipped the circulars on or about November 24, 1943, and on November 16 and 26, 1943, shipped the Miracle Slenderizing Cream at Newark, where the drug and the circulars were brought together for distribution to purchasers; and that the joint shipment and receipt of the drug and the circulars relating thereto for joint distribution constituted a transaction in interstate commerce between the shipper and the consignee whereby the circulars accompanied the article when it was introduced and while it was in interstate commerce.

On April 17, August 8, and September 30, 1944, no claimant having appeared, judgments of condemnation were entered and the product, including the circulars in the Salt Lake City lot, was ordered destroyed.

1134. Misbranding of Nulfey Tablets and Genuine O. B. C. Capsules. U. S. v. 54 Packages of Nulfey Tablets and 54 Packages of Genuine O. B. C. Capsules (and 1 other seizure action against Nulfey Tablets). Default decrees of condemnation and destruction. (F. D. C. Nos. 10328, 11446. Sample Nos. 22654-F, 22655-F, 22867-F.)

On July 27 and December 16, 1943, the United States attorneys for the District of New Jersey and the District of Delaware filed libels against 54 packages of Nulfey Tablets and 54 packages of Genuine O. B. C. Capsules at Atlantic City, N. J., and 61 packages of Nulfey Tablets at Wilmington, Del., alleging that the articles, which had been consigned by the William A. Reed Co. on or about April 26, May 20, and June 10, 1943, had been shipped from Philadelphia, Pa.; and charging that they were misbranded.

Examination of the Nulfey Tablets disclosed that the article consisted essentially of sodium salicylate, sodium biphosphate, methenamine, and plant drugs including a laxative drug.

It was alleged to be misbranded because of false and misleading statements in its labeling which represented and suggested that the article would be effective for the relief of rheumatism, arthritis, neuritis, and sciatica; and that an article that was a diuretic and analgesic would be effective for the relief of kidney dysfunction.

Examination of the Genuine O. B. C. Capsules disclosed that the article consisted essentially of phenolphthalein, caffeine, and clay; that the statement of