

2645. Misbranding of Eskimo Vibrator. U. S. v. 7 Devices * * *. (F. D. C. No. 25853. Sample No. 31625-K.)

LIBEL FILED: October 15, 1948, Southern District of California.

ALLEGED SHIPMENT: On or about September 1, 1948, by the Bersted Mfg. Co., from Fostoria, Ohio.

PRODUCT: 7 *Eskimo Vibrators* at Los Angeles, Calif. Examination showed that the device was an electric vibrator, fitted with several attachments.

LABEL, IN PART: "Eskimo Two Speed Vibrator Model 750."

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements in the labeling of the device were false and misleading since the device was not effective in the treatment of the conditions and diseases stated and implied: (Carton) "Vibrate Your Way To Health And Beauty for Sore Muscles for Complexion for Headaches * * * for Rheumatism for Constipation" and (circular attached to the device) "Vibrate Your Way To Health and Beauty * * * Where increased circulation of the blood and stimulation of the nerves causes curative action, the Eskimo Vibrator will be found very helpful. Its strong vibratory action * * * penetrates very deeply into the parts under treatment * * * complexion, sore muscles * * * neuralgia, blackheads * * * Obesity, insomnia, headaches, nervousness * * * Double chin, wrinkles, sagging muscles, acute rheumatism. Complexion: A lifeless skin and sagging facial muscles may be improved by massaging two or three minutes each day. Work from chin up and from mouth toward ears, using rotary motion. Double Chin: Use sponge applicator for three minutes at a time and work upward from base of neck toward ears—never downward * * * Headaches and Nervousness: * * * Sore Muscles: * * * Insomnia."

DISPOSITION: December 10, 1948. Default decree of condemnation and destruction.

DRUGS FOR VETERINARY USE

2646. Misbranding of Moyer's White Liniment and Moyer's Oil of Gladness. U. S. v. Moyer Brothers, William V. Moyer, and J. Lewis Moyer. Pleas of guilty. Fine of \$100 on count 1 against the corporation, with imposition of sentence on the remaining 3 counts suspended; imposition of sentence on all counts against the individuals suspended. Corporation and individual defendants placed on probation for one year. (F. D. C. No. 25591. Sample Nos. 6452-K, 12361-K to 12363-K, incl.)

INFORMATION FILED: December 20, 1948, Middle District of Pennsylvania, against Moyer Brothers, a corporation, Bloomsburg, Pa., William V. Moyer, president, and J. Lewis Moyer, secretary-treasurer.

ALLEGED VIOLATION: On or about April 15 and May 5, 1948, the defendants gave guaranties to one of their customers, guarantying that certain drugs were not adulterated or misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act. The guaranty of April 15 was set forth in an order received from the customer of the defendant, which provided for the giving of a guaranty by acceptance of the order. The guaranty of May 5 was set forth on the invoice issued by the defendant to the customer. On or about April 16 and May 5, 1948, the defendant delivered to the customer, quantities of *Moyer's White Liniment* and *Moyer's Oil of Gladness* which were misbranded. In addition, on or about April 3, 1948, the defendants shipped from the State

of Pennsylvania into the State of New York a quantity of *Moyer's White Liniment*, which was misbranded.

PRODUCT: Analyses showed that *Moyer's White Liniment* consisted essentially of camphor, soap, kerosene, ammonia, and water, and that *Moyer's Oil of Gladness* consisted essentially of camphor, oil cedar leaf, and linseed oil.

NATURE OF CHARGE: *Moyer's White Liniment*. Misbranding, Section 502 (a), certain statements on the labels of the article were false and misleading since they represented and suggested that the article would be efficacious in the treatment of pains in the chest, side, and back, frost bites, swellings, bruises, pimples, stiff joints, lameness, inflammation, caked udder, contracted cords, sweeny, curb wounds, scratches, and similar conditions suggested by the abbreviation "etc."; and, further, that the article would be efficacious in the treatment of rheumatism, neuralgia, and sprains. The article would not be efficacious for such purposes. Further misbranding, Section 502 (f) (2), the article contained the ingredients, kerosene, ammonia, and camphor; and its labeling failed to warn that its use should be discontinued if excessive irritation developed, and that the article should not be permitted to come in contact with the eyes or mucous membrane, which warnings were necessary for the protection of users of the article.

Moyer's Oil of Gladness. Misbranding, Section 502 (a), certain statements on the label of the article were false and misleading since they represented and suggested that the article would be efficacious in the treatment of sore throat, coughs, colds, croup, sprains, wounds, bruises, neuralgia, earache, frosted feet, chilblains, and whooping cough.

Both products. Further misbranding, Section 502 (e) (2), the articles were not designated solely by names recognized in an official compendium, they were fabricated from two or more ingredients, and their labels failed to bear the common or usual name of each active ingredient, in that their labels failed to bear statements of the ingredients contained in the articles.

DISPOSITION: January 17, 1949. Pleas of guilty having been entered, the court imposed a fine of \$100 on count 1 against the corporation and suspended the imposition of sentence on the remaining 3 counts; imposition of sentence against the individuals was suspended on all counts. Thereupon, the corporation and the individuals were placed on probation for 1 year, conditioned that strict compliance with the Federal Food, Drug, and Cosmetic Act be observed.

2647. Misbranding of Special Hog Mineral with Yeast, Special Yeast Minerals Dairy Feeds, Worm-O, and Ironated Hog Liquid. U. S. v. Black Hawk Chemical Co., Inc., and William H. Murphy. Pleas of guilty. Fines, \$600 against corporation and \$20 against individual. (F. D. C. No. 25580. Sample Nos. 24099-K, 24100-K, 24749-K, 25501-K.)

INFORMATION FILED: January 12, 1949, Northern District of Iowa, against the Black Hawk Chemical Co., Inc., Cedar Falls, Iowa, and William H. Murphy, president.

ALLEGED SHIPMENT: On or about March 17 and April 3, 1948, from the State of Iowa into the States of Wisconsin and Minnesota.

PRODUCT: Analyses disclosed that the *Special Hog Mineral with Yeast* contained 17.75 percent calcium, 2.45 percent phosphorus, .019 percent iodine, 5.95 percent sodium chloride, and 4,000 parts per million of fluorine; that the *Special Yeast Minerals Dairy Feeds* contained 18.61 percent calcium, 2.71 percent phosphorus, .018 percent iodine, 5.95 percent sodium chloride, and