

DISPOSITION: May 26, 1949. Default decree of condemnation and destruction.

2779. Adulteration and misbranding of Congo red. U. S. v. 176 Ampuls * * *.
(F. D. C. No. 26414. Sample No. 9097-K.)

LABEL FILED: January 24, 1949, Southern District of New York.

ALLEGED SHIPMENT: On or about July 23, 1948, by George A. Breon & Co., from Kansas City, Mo.

PRODUCT: 176 10-cc. ampuls of *Congo red* at Bronx, N. Y. Analysis showed that the product contained not more than 0.6 percent of *Congo red*.

LABEL, IN PART: "Sterile Solution Congo Red 1% W/V."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it was represented to possess, namely, "Congo Red 1%."

Misbranding, Section 502 (a), the label statement "Congo Red 1%" was false and misleading.

DISPOSITION: April 11, 1949. Default decree of condemnation and destruction.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

DRUGS FOR HUMAN USE*

2780. Alleged misbranding of Gramer's Sulgly-Minol. U. S. v. Walter W. Gramer.
Plea of not guilty. Tried to the court. Defendant discharged and information dismissed. (F. D. C. No. 25586. Sample No. 24582-K.)

INFORMATION FILED: November 30, 1948, District of Minnesota, against Walter W. Gramer, Minneapolis, Minn.

ALLEGED SHIPMENT: On or about April 16, 1948, from the State of Minnesota into the State of Wisconsin.

PRODUCT: Analysis disclosed that the product was an orange-red alkaline aqueous solution containing essentially sulfur, lime, and glycerin.

LABEL, IN PART: "Gramer's Sulgly-Minol * * * Compounded and Developed by Walter W. Gramer, Minneapolis, Minnesota Distributor Fred J. Fasching 1110 Birch Street Eau Claire, Wis."

NATURE OF CHARGE: Misbranding, Section 502(a), certain statements on the label of the article and in accompanying circulars entitled "Arthritis It's Grip Broken" and "A Light Should Not Be Hidden" were false and misleading since the article would not fulfill the promises of benefit stated and implied. The statements represented and suggested that the article when applied to the soles of the feet before retiring, would be efficacious in the treatment of muscular pains; that it would be efficacious in the relief and in the treatment of arthritis; that it would be efficacious in the treatment of boils, acne, and ailments of a rheumatic nature; and that it would relieve one from the pains of arthritis and rheumatism and would take the stiffness and soreness out of one's legs and knees.

DISPOSITION: A plea of not guilty having been entered, the case came on for trial before the court without a jury. At the conclusion of the testimony, the court found that the Government had not sustained the burden of proof re-

*See also Nos. 2774-2776, 2779.