

PRODUCT: 80 cartons, each containing a guarantee card entitled "Guarantee Bond," a leaflet entitled "For best results read these Theraplate instructions carefully," and one *Theraplate* (device), at Chicago, Ill. The device consisted of a resistance wire imbedded in a glass plate and mounted on a metal base.

LABEL, IN PART: "Infra Appliance Corp., New York Theraplate."

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 an effective treatment for the diseases and conditions stated and implied: (Card) " * * * We guarantee relief from Arthritis, Rheumatism, Sinus conditions, Hay Fever * * *" and (leaflet) "* * * Sufferers from discomforts caused by Arthritis, Sinusitis, Phlebitis, Hay Fever, Rheumatism and other painful conditions, find satisfying relief in Theraplate's health rays * * * For Treatment of Arthritic, Rheumatic and other chronic conditions * * * Three such treatments per day will bring more satisfying, longer-lasting relief from the most agonizing pain * * * For Treatment of Sinusitis, Hay Fever * * * We guarantee relief from Arthritis, Rheumatism, Sinus conditions, Hay Fever * * *."

DISPOSITION: June 1, 1949. Mandel Brothers, Inc., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered. The court ordered that the devices be released under bond for relabeling under the supervision of the Federal Security Agency.

2806. Misbranding of Therm-Massage Infra-Red Heat Applicator. U. S. v. 42 Cartons * * * (and 3 other seizure actions). (F. D. C. Nos. 26954, 26955, 26974, 27159. Sample Nos. 3273-K, 41311-K, 41312-K, 51526-K.)

LABELS FILED: March 24 and April 19 and 22, 1949, Northern District of Ohio, Western District of Washington, and District of Maryland.

ALLEGED SHIPMENT: Between October 30, 1947, and March 9, 1949, by Sibert & Co., from East Orange and Newark, N. J.

PRODUCT: 186 cartons at Cleveland, Ohio, 1,165 cartons at Seattle, Wash., and 9 cartons at Baltimore, Md. Each carton contained 1 *Therm-Massage Infra-Red Heat Applicator*. There also were quantities of accompanying printed matter, some of which had been shipped with the device and some of which had been shipped separately. The printed matter consisted of circulars, leaflets, and display cards entitled "Therm-Massage Infra-Red Heat Applicator," circulars entitled "Sunday, Dec. 12, 1948" and "Abraham & Strauss Brooklyn Sold Out in Three Hours," a newspaper mat entitled "Heat Massage Those Pains Away," display cards entitled "Relieve Pain Quickly," leaflets entitled "Earn Extra Profits" and "A Few Sales Results From Ads," and leaflets containing various newspaper reprints.

Examination showed that the device consisted of two pieces of molded bakelite, one serving as the handle and the other containing an electrically heated coil.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the labeling of the device were false and misleading since the device was not effective for the purposes represented. The statements represented and suggested that the device was effective to relieve colds, sinusitis, rheumatic pains, muscular aches and pains, backaches, toothaches, stiff neck, sore throat, pains

in back, headache, nervous headaches in the back of the head, discomfort and congestion, sprains, cramps in the feet or legs, bruises, arthritis, bursitis, neuritis, and neuralgia; that the device would preserve youth and beauty; and that it would aid in preventing the formation of wrinkles.

DISPOSITION: April 29, May 23, and June 15, 1949. Bill Plackas, Seattle, Wash., claimant for the Washington lot, and Sibert & Co., claimant for the other lots, having consented to the entry of decrees, judgments of condemnation were entered. The court ordered that the devices be released under bond for relabeling under the supervision of the Federal Security Agency.

2807. Misbranding of violet ray device. U. S. v. 13 Cases, etc. (F. D. C. No. 26995. Sample Nos. 25833-K, 25834-K.)

LIBEL FILED: April 13, 1949, District of Minnesota.

ALLEGED SHIPMENT: On or about November 5 and 27 and December 3, 1948, and January 6, February 13, and March 3, 1949, by Montgomery Ward & Co., from Galewood and Chicago, Ill., and Oakland, Calif., and by Master Appliances, Inc., from Chicago, Ill.

PRODUCT: 13 cases each containing a circular entitled "The Master High Frequency," a device labeled "20W 115V No. M66 The Master Electric Co. Chicago," a general electrode, a comb rake electrode, and a throat electrode; and 26 cases each containing a circular of the same title, a device similarly labeled, and a general electrode.

Examination showed that each of the devices consisted essentially of Geissler's tubes of various shapes, with a transformer assembly to activate them, designed to apply an intermittent ray discharge to the body.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the circulars were false and misleading since the devices were not effective in the treatment of the conditions and diseases stated and implied and were not capable of producing the effects claimed. The statements represented and suggested that the devices would be effective in the treatment of faulty circulation and impure blood; that they would be effective in preventing deterioration of the body, failure of the digestive organs to function properly, sluggishness and weakness of the internal organs, and weaknesses peculiar to men and women; that they would give excellent results in local conditions; that they would stimulate the circulation; that they would produce a sedative or quieting effect and would tend to establish a normal equilibrium of the nervous system; that they would be efficacious in relieving painful sensations and in soothing irritated nerves; that they would be efficacious as a stimulant and tonic; that they would be efficacious for facial and body treatment; that they would be efficacious in the treatment of rheumatism, lumbago, and neuritis; that they would be efficacious in the treatment of the scalp, spine, eyes, and ear; that they would be efficacious for stimulating the hair; that they would be efficacious in the treatment of cystitis, strictures, gonorrhea, and prostate and vaginal troubles; and that they would promote circulation and be effective in the treatment of many ailments.

DISPOSITION: August 4, 1949. Master Appliances, Inc., Chicago, Ill., claimant, having consented to the entry of a decree, judgment of condemnation was entered. The court ordered that the devices be released under bond for relabeling under the supervision of the Federal Security Agency.