

between the parties to permit the claimant to withdraw its claims upon payment of costs, but with the understanding that the claimant did not admit the misbranding of the product and that the entry of a default decree in the case should not be deemed an adjudication of the issues on the merits. In accordance with such stipulation, the court ordered that the claims be withdrawn; and on February 3, 1950, a default decree of condemnation and destruction was entered.

2947. Misbranding of medicated douche powder. U. S. v. 13 Dozen Cans * * *.
(F. D. C. No. 27291. Sample No. 41471-K.)

LIBEL FILED: June 2, 1949, Western District of Washington.

ALLEGED SHIPMENT: On or about February 11, and April 23, 1949, by Stanley Drug Products, Inc., from Portland, Oreg.

PRODUCT: 13 Dozen 5-ounce cans of *medicated douche powder* at Seattle, Wash. Analysis showed that the product consisted essentially of boric acid, alum, zinc sulfate, carbolic acid, oxyquinoline sulfate, and essential oils.

LABEL, IN PART: "Stanley's N D Medicated Douche Powder."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in an accompanying circular entitled "The Importance of PH" were false and misleading. The statements represented and suggested that the article was effective to aid in restoring and maintaining a healthy condition of the vagina and in the relief of minor irritations of the vagina, whereas the article was not effective for such purposes.

DISPOSITION: October 21, 1949. Default decree of condemnation and destruction.

2948. Misbranding of Wonder Bath and Wonder Cream. U. S. v. Kay Austin (Academy Vita Products Co.). Plea of guilty. Fine, \$500. (F. D. C. No. 24256. Sample Nos. 62848-H, 88192-H.)

INFORMATION FILED: June 17, 1949, District of New Jersey, against Kay Austin, trading as the Academy Vita Products Co., Newark, N. J.

ALLEGED SHIPMENT: On or about May 20 and July 12, 1947, from the State of New Jersey into the States of California and New York.

PRODUCT: Analysis disclosed that the *Wonder Bath* consisted of crystals of magnesium sulfate (epsom salt), interspersed with free sulfur, and having a strong odor of pine, and that the *Wonder Cream* consisted essentially of water, methyl salicylate, sodium stearate, and free stearic acid.

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statement "relax while reducing" appearing on the label of the *Wonder Bath* was false and misleading. The statement represented and suggested that the *Wonder Cream* and the *Wonder Bath* in combination would be efficacious to cause the user to lose weight, whereas the articles would not be efficacious for that purpose.

DISPOSITION: December 16, 1949. A plea of guilty having been entered, the court imposed a fine of \$500.

2949. Misbranding of Roll-A-Ray (device). U. S. v. 133 Cartons * * *.
(F. D. C. No. 26948. Sample No. 8623-K.)

LIBEL FILED: March 23, 1949, Eastern District of New York.

ALLEGED SHIPMENT: On or about February 11, 1948, by the O. A. Sutton Corp., from Wichita, Kans., to New York, N. Y., and thereafter on or about November 10, 1948, to Long Island City, N. Y.

PRODUCT: 133 cartons each containing 1 *Roll-A-Ray* (device) at Long Island City, N. Y. Examination showed that the device consisted of a brown plastic molded case with handle attached. The case enclosed a light bulb and two rubber rollers placed at either end of the bottom part of the case. The rollers would contact the body for massaging purposes, and the light bulb would furnish heat. A plastic grid was fitted over the bulb to protect the body from contact with the lamp.

LABEL, IN PART: (Carton) "Roll-A-Ray Heat Massage With Infra Red."

NATURE OF CHARGE: Misbranding, Section 502 (a), the following label statements were false and misleading since heat and massage are not adequate treatments for such purposes: "For Home Reducing and an Aid in the Relief of Discomforts Arising from Rheumatism, Lumbago, Muscular Aches, Physical Aches * * * for Health and Beauty * * * to remove fatty tissues. Many varied ailments respond to application of heat and massage * * * for loosening muscles and assisting in driving fatty tissues away."

DISPOSITION: December 19, 1949. The Elcord Products Corp., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the devices be released under bond for relabeling, under the supervision of the Federal Security Agency. The court further ordered that the devices should be modified by removing the 60-watt bulb contained therein and replacing it with a 30-watt bulb; by placing foil reflectors on the inner portions of the devices; by covering, removing, or destroying the labeling indicating directions and uses borne on the sides of the cartons in which the devices had been packed; and by using a carton cover and labeling approved by the Food and Drug Administration.

2950. Misbranding of Roll-A-Ray (device). U. S. v. 23 Cartons * * *
(F. D. C. No. 26949. Sample No. 10961-K.)

LABEL FILED: March 24, 1949, District of Connecticut.

ALLEGED SHIPMENT: On or about November 3, 1948, by the Electric Cord Co., from New York, N. Y.

PRODUCT: 23 Cartons each containing 1 *Roll-A-Ray* (device) at Hartford, Conn.

NATURE OF CHARGE: Misbranding, Section 502 (a), the device was misbranded in the same respect as the device reported in the preceding notice of judgment, No. 2949.

DISPOSITION: November 15, 1949. Default decree of condemnation and destruction.

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PRODUCTS		N. J. No.	N. J. No.
Amberons Vitamin B Complex			
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Bra'zil Liquid Compound and		Dexedrine sulfate tablets	2936
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Carrot, wild, dehydrated	2943	Douche powder, medicated	2947
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			¹ 2932, 2940

¹ (2931-2933, 2944) Prosecution contested.