

**PRODUCT:** 19 *diathermy devices* at Seattle, Wash. The device consisted of a cabinet containing radio tubes, transformer, resistors, and adjustable plate condensers. Connected to the device were two 8' x 10' *diathermy pads*, which transmit short electrical waves to the portion of the body to be treated.

**LABEL, IN PART:** "David Bogen Co., Inc., New York 12, New York Model No. 5-A \* \* \* Short Wave Diathermy."

**NATURE OF CHARGE:** Misbranding, Section 502 (f) (1), the labeling of the device failed to bear adequate directions for use in the treatment of sinus, colds, etc., elbow, wrist, leg, stiff neck, sprained ankle, hand, shoulder, knee, and upper back and lower back, which were the parts of the anatomy and abnormalities to affect and treat, for which the article was offered in its labeling, namely, in an accompanying leaflet headed "Illustrations of Pad, Mask, Cuff and Cable Placement for Typical Treatment Employing Bogen Portable Short Wave Diathermy Model 5-A."

**DISPOSITION:** November 18, 1950. George B. Quinn, Seattle, Wash., 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.

#### DRUGS AND DEVICES ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS

**3312. Adulteration and misbranding of surgical dressing. U. S. v. Surgical Dressings, Inc. Plea of guilty. Fine, \$250. (F. D. C. No. 29427. Sample Nos. 30230-K, 30240-K, 33682-K to 33684-K, incl.)**

**INFORMATION FILED:** October 3, 1950, District of Massachusetts, against Surgical Dressings, Inc., Boston, Mass.

**ALLEGED SHIPMENT:** Between the approximate dates of August 25 and November 12, 1949, from the State of Massachusetts into the State of California.

**LABEL, IN PART:** "Sterilastic Dressing Bandage."

**NATURE OF CHARGE:** Adulteration, Section 501 (c), the purity and quality of the article differed from that which it purported and was represented to possess since it purported to be, and was represented as, a sterile product, whereas it was not a sterile product but was contaminated with viable micro-organisms.

Misbranding, Section 502 (a), the statements in the labeling of the article which represented and suggested that the article was a sterile product were false and misleading.

**DISPOSITION:** December 12, 1950. A plea of guilty having been entered, the court imposed a fine of \$250.

**3313. Adulteration and misbranding of clinical thermometers. U. S. v. 9 Gross \* \* \*. (F. D. C. No. 29366. Sample No. 81854-K.)**

**LIBEL FILED:** June 21, 1950, Southern District of Florida.

**ALLEGED SHIPMENT:** On or about May 9, 1950, by the Cardinal Thermometer Co., from Brooklyn, N. Y.

**PRODUCT:** 9 gross of *clinical thermometers* at Miami, Fla. Examination of 24 thermometers showed that 5 failed to comply with the Commercial Standard C. S. 1-32 since 2 failed to repeat readings and 3 did not give readings of the accuracy required by C. S. 1-32.

**LABEL, IN PART:** "Car-Nor" or "Cardinal."

**NATURE OF CHARGE:** Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess since the article would not give accurate readings.

Misbranding, Section 502 (a), the following label statements were false and misleading as applied to an article which would not give accurate readings: "This certifies that the enclosed thermometers have been tested on the above date at 98°, 102° and 106° F. and are correct within plus or minus 2/10 F. at any of these test points. This test is governed by a Standard Thermometer which has been tested and approved by the Bureau of Standards, Washington, D. C. All our thermometers are manufactured in accord with their specifications. (C. S. 1-32 Department of Commerce). The enclosed thermometers are guaranteed to be of absolute accuracy." Further misbranding, Sections 502 (b) (1) and (2), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents.

**DISPOSITION:** October 12, 1950. Default decree of forfeiture and destruction.

## DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

### DRUGS FOR HUMAN USE\*

**3314. Misbranding of Guardian vitamin A capsules, Guardian D/E Plex capsules, and Guardian Se-Bex tablets. U. S. v. Vitamin Industries, Inc., and Joseph L. Zweiback. Pleas of nolo contendere on counts 1 and 2 for the corporation and on count 2 for the individual. Fine of \$125 against each defendant. (F. D. C. No. 28156. Samples Nos. 20070-K, 20071-K.)**

**INFORMATION FILED:** May 15, 1950, District of Nebraska, against Vitamin Industries, Inc., Omaha, Nebr., and Joseph L. Zweiback, president of the corporation.

**ALLEGED SHIPMENT:** On or about January 9 and 19, 1949, from the State of Nebraska into the State of Iowa.

**LABEL, IN PART:** "Guardian Capsules Vitamin A 5,000 USP Units," "Guardian Capsules D/E Plex \* \* \* Each Capsule Contains: Vitamin D 25,000 USP Units Vitamin B<sub>1</sub> 3 Mgm. Vitamin B<sub>2</sub> 2 Mgm. Vitamin C 37.5 Mgm. Niacinamide 20 Mgm. Calcium Pantothenate 1 Mgm. Vitamin B<sub>6</sub> 100 Mcg. Alpha Tocopherol 10 Mgm.," and "Guardian Tablets Se-Bex Vitamin C with B Complex \* \* \* Each Tablet Contains: Vitamin C 125 milligrams Vitamin B<sub>1</sub> 1.5 milligrams Niacinamide 10 milligrams."

**NATURE OF CHARGE:** *Guardian vitamin A capsules and Guardian D/E Plex capsules.* Misbranding (count 1), Section 502 (a), certain statements in an accompanying circular entitled "Price List April 1948" were false and misleading. The statements represented and suggested that the capsules would be efficacious in the cure, mitigation, and treatment of arthritis, primary fibrositis, and muscular rheumatism, whereas the capsules would not be efficacious for such purposes.

*Guardian Se-Bex tablets.* Misbranding (count 2), Section 502 (a), certain statements in an accompanying circular entitled "Price List April 1948" were false and misleading. The statements represented and suggested that the tablets would be efficacious in the cure, mitigation, and treatment of hay fever

\*See also Nos. 3309, 3312, 3313.