

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 B₁ 3 Mgm. Vitamin B₂ 2 Mgm. Vitamin C 37.5 Mgm. Niacinamide 20 Mgm. Calcium Pantothenate 1 Mgm. Vitamin B₆ 100 Mcg. Alpha Tocopherol 10 Mgm.," and "Guardian Tablets Se-Bex Vitamin C with B Complex * * * Each Tablet Contains: Vitamin C 125 milligrams Vitamin B₁ 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.

and allergic disorders, whereas the tablets would not be efficacious for such purposes.

DISPOSITION: November 24, 1950. Pleas of nolo contendere having been entered on behalf of the corporation to counts 1 and 2 and on behalf of the individual to count 2, the court imposed a fine of \$125 against each defendant. Count 1 against the individual was dismissed.

3315. Misbranding of Sodeene Osmotic Bath. U. S. v. 26 Cartons, etc. (F. D. C. No. 29388. Sample Nos. 71229-K to 71231-K, incl.)

LIBEL FILED: July 17, 1950, Southern District of California.

ALLEGED SHIPMENT: On or about June 20 and 28 and July 5, 1950, by the Consultants Laboratories of New Jersey and by H. H. Marshall, from Garden City, N. Y.

PRODUCT: 26 cartons, each containing 8 24-ounce packages, of *Sodeene Osmotic Bath* at Bellflower, Calif., together with a number of circulars entitled "Sodeene A New Type Of Therapy."

Examination indicated that the product consisted essentially of sodium carbonate, a wetting agent such as sodium lauryl sulfate, and an extract of plant material.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the accompanying circulars were false and misleading. These statements represented and suggested that the article was effective in the treatment of deep-seated infection, arthritis, sinusitis, rheumatic fever, inflammatory rheumatism, sciatica, neuritis, and many infections in the body fluids, including those of a virus nature, and that the article would be effective in bringing about a reabsorption of calcium deposits and in preventing polio, whereas the article was not effective in the treatment of the conditions stated and implied.

Further misbranding, Section 502 (a), the labeling, namely, the accompanying circular, contained statements which represented and suggested that the product had been approved by the Food and Drug Administration as effective in the treatment of the disease conditions stated, which statements were misleading since the Food and Drug Administration had not approved the product for the treatment of such disease conditions.

DISPOSITION: August 17, 1950. Default decree of condemnation and destruction.

3316. Misbranding of Facializer device, DermaCulture Contour Mold device, DermaCulture Formula No. 103, cleansing lotion, herbal astringent, granular cleanser, DermaCulture Formula No. 102, and DermaCulture Formula No. 104. U. S. v. 1 Facializer Device, etc. (F. D. C. No. 27639. Sample Nos. 55233-K, 55252-K to 55256-K, incl., 55258-K, 55259-K.)

LIBEL FILED: August 22, 1949, Western District of Missouri.

ALLEGED SHIPMENT: On or about June 6 and December 2, 1948, and March 8, April 7, July 25, and August 5, 1949, by DermaCulture, Ltd., from Los Angeles, Calif.

PRODUCT: 2 *Facializer devices* with accessories, 20 *DermaCulture Contour Mold devices*, and a number of drugs at Kansas City, Mo., together with a manual entitled "DermaCulture NRB. 339." The drugs consisted of 26 2-ounce bottles of *DermaCulture Formula No. 103*, 24 bottles of *cleansing lotion*, 24 bottles of *herbal astringent* in 4-ounce, 8-ounce, and 1-pint sizes, 20 4-ounce jars of *granular cleanser*, 16 1-ounce bottles of *DermaCulture Formula No. 102*, and