

ALLEGED SHIPMENT: On or about December 4 and 6, 1950, by the S & D Engineering Co., from Glendale, Calif.

PRODUCT: 125 cartons each containing 1 *Hollywood Vita-Rol device* at Philadelphia, Pa., in possession of Gimbel Bros. A leaflet entitled "Hollywood Vita-Rol Instructions" was shipped with the product. The device consisted of an electrically heated roller covered with corrugated rubber.

RESULTS OF INVESTIGATION: There was on display in the consignee's store, together with the device, a placard entitled "Vita-Rol" which had been prepared by Gimbel Bros.

NATURE OF CHARGE: Misbranding, Section 502 (a), the statement appearing in the above-mentioned leaflet, namely, "Both men and women use the Vita-Rol to maintain a slim, trim, figure by massaging those troublesome bulges or spots," was false and misleading. The statement represented and suggested that the device was effective for spot reducing, whereas the device was not effective for such purpose. The device was misbranded in the above respect when introduced into and while in interstate commerce.

Further misbranding, Section 502 (a), the statement appearing in the above-mentioned placard, namely, "roll away pounds," was false and misleading. The statement represented and suggested that the device was effective for reducing, whereas the device was not effective for such purpose. The device was misbranded in the latter respect while held for sale after shipment in interstate commerce.

DISPOSITION: May 9, 1951. Gimbel Bros., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the device be released under bond for relabeling and that the leaflets and placards be destroyed, under the supervision of the Food and Drug Administration.

3438. Misbranding of Spectro-Chrome device. U. S. v. 1 Device * * *
(F. D. C. No. 16846. Sample No. 16303-H.)

LABEL FILED: July 16, 1945, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about June 6, 1945, by the Dinshah Spectro-Chrome Institute, from Newfield, N. J.

PRODUCT: 1 *Spectro-Chrome device* at Milwaukee, Wis. The construction and appearance of the device was essentially the same as that of the device involved in notices of judgment on drugs and devices, No. 2098. The device was accompanied by various pieces of printed and graphic matter.

NATURE OF CHARGE: Misbranding, Section 502 (a), the labeling of the device contained false and misleading curative and therapeutic claims in substantially the same respect as that of the device involved in notices of judgment on drugs and devices, No. 2098.

DISPOSITION: On November 26, 1945, no claimant having appeared, the court ordered that the device be released to the Food and Drug Administration for the purpose of testing. On October 7, 1946, the court entered an order authorizing the Government to retain possession of the device and its accompanying labeling until the further order of the court. On May 29, 1951, the court entered an order authorizing the Food and Drug Administration to retain possession of the device and the accompanying labeling and to make such use of the device and labeling as it may desire.