

ALLEGED SHIPMENT: On or about November 3, 1952, by Dr. A. Smith, from Omaha, Nebr.

PRODUCT: 100 4-ounce bottles of *Azalias Medicine* at Underwood, Minn.

LABEL, IN PART: (Bottle) "Azalias Medicine Contents: Ammonium Chloride Ammonium Carbonate Guaiacol Carbonate Guaiacol Syrup of Prunus Virginiana Compound mixture of Syrup of Glycyrrhiza * * * Azalias Medicine For Colds, Coughs, Influenza, Pneumonia, Tuberculosis and all throat and lung inflammation."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label of the article were false and misleading. The statements represented and suggested that the article was an adequate and effective treatment for colds, coughs, influenza, pneumonia, tuberculosis, and all throat and lung infections, whereas the article was not an adequate and effective treatment for such conditions.

DISPOSITION: April 27, 1953. Default decree of condemnation. The court ordered that the product be turned over to the Food and Drug Administration.

4098. Misbranding of Kloro solution. U. S. v. 41 Bottles * * *. (F. D. C. No. 31765. Sample No. 37743-L.)

LIBEL FILED: October 9, 1951, Eastern District of New York.

ALLEGED SHIPMENT: On or about August 30, 1951, by Preston Laboratories, Inc., from Chicago, Ill.

PRODUCT: 41 8-ounce bottles of *Kloro solution* at Maspeth, N. Y.

LABEL, IN PART: (Bottle) "Miracle Kloro Solution * * * Ideally suited for * * * healing gums * * * Marked relief in Sinusitis and Chronic Nasal Conditions have resulted from continuous irrigation with Chlorophyll alkaline solution * * * healing * * * when applied to cuts, burns, ulcers and wounds * * * Contains: Special prepared Chlorophyllins, Pot. Bicarb., Borax, Thymol, Menthol, Glycerin, Sodium Ben., Sod. Chloride, Aromatic Oils Water."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the bottle label of the article were false and misleading since the statements represented and suggested that the article was effective in the treatment of diseases of the gums, sinuses, chronic nasal diseases, cuts, burns, ulcers, and wounds, whereas the article was not effective in the treatment of such conditions.

DISPOSITION: January 16, 1952. Default decree of condemnation and destruction.

4099. Misbranding of Desert Springs Home Restorative Baths. U. S. v. 103 9/12 Cases, etc. (F. D. C. No. 34085. Sample No. 40670-L.)

LIBEL FILED: November 14, 1952, Western District of Washington.

ALLEGED SHIPMENT: On or about August 14 and 15, 1952, by the Kal Central Distributing Co., from Pasadena, Calif.

PRODUCT: 103 9/12 cases, each full case containing 12 cartons and each carton containing 1 dozen packets, of *Desert Springs Home Restorative Baths* at Seattle, Wash., together with 100 sheets and 40 placards entitled "See for Yourself," 1,000 pamphlets entitled "Desert Springs Home Restorative Baths," 1 mimeographed letter entitled "Your Own Private Mineral Spring," 1 three-page mimeographed article entitled "No. 6. Direct Sales Approach," 4 mimeo-

graphed sheets entitled "No. 1. Here Is An Important New Product," 4 mimeographed sheets entitled "No. 2. Here Is A New Discovery," 4 mimeographed sheets entitled "No. 3. Now . . . At Last!" 4 mimeographed sheets entitled "No. 4. One of the Loveliest," 3 mimeographed sheets entitled "No. 5. Thousands and Thousands," 1 mimeographed sheet entitled "No. 7. Immediate Release," 1 mimeographed sheet entitled "No. 8. Immediate Release," 4 letters dated August 14 and 19 and September 10 and 18, 1952, 1 copy of a newspaper mat entitled "New Desert Springs Home Restorative Mineral Baths," and 2 business reply cards entitled "Dear Editor."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the labeling of the article, namely, the above-described cartons, sheets, pamphlets, letters, mimeographed sheets, newspaper mat, placards, and business reply cards accompanying the article, were false and misleading. The statements represented and suggested that the article was an adequate and effective treatment for arthritis, rheumatism, neuritis, overwork, tired, aching back, stiff joints, nervous strain, aftermath of old injuries, tensions that prevent sound sleep, a worn-out condition, sleeplessness, all kinds of ailments, and for providing in one's home restorative benefits and curative effects equal to those derived by visiting world-famous mineral spring health resorts. The article was not an adequate and effective treatment for such conditions or purposes.

DISPOSITION: May 18, 1953. Default decree of condemnation and destruction.

4100. Misbranding of phonograph records. U. S. v. 23 Records, etc. Tried to the court. Judgment for the claimant. Judgment reversed upon appeal. Decree of condemnation and destruction. (F. D. C. No. 20564. Sample No. 8839-H.)

LIBEL FILED: July 25, 1946, Eastern District of New York.

ALLEGED SHIPMENT: On or about May 31, 1946, by DeLuxe Record Co., Inc., from Linden, N. J.

PRODUCT: 23 *phonograph records* at Brooklyn, N. Y., together with a number of accompanying display cards entitled "DeLuxe Records Presents Time to Sleep A Tested Method of Inducing Sleep Conceived and Transcribed by Ralph Slater" and a number of accompanying posters headed "A 'Dream Girl' Shows a New Way to Dreamland."

Each record was contained in an album which bore a picture of the head and shoulders of a young woman in deep slumber and which contained a leaflet reading, in part, "Sleep with this amazing record 'Time to Sleep'" and a certificate entitled "Sleep Guaranteed."

LABEL, IN PART: (Record) "Time to Sleep A Tested method to induce sleep Prepared and transcribed by Ralph Slater."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements and designs in the labeling of the article were false and misleading. The statements and designs represented and suggested that the article when used as directed would induce sleep, whereas the article was not capable of affecting that function of the body.

DISPOSITION: Ralph Slater, claimant, filed an answer denying (1) that the records were a device within the meaning of the law and (2) that the records were misbranded. The case came on for trial before the court without a jury on January 4, 1950, and, at its conclusion, the case was taken under advisement by the court. On March 9, 1950, the following opinion was handed down: