

DISPOSITION: February 15, 1954. Weldon, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, conditioned that the form letters be destroyed under the supervision of the Department of Health, Education, and Welfare.

4336. Misbranding of Massarelli's Salnate tablets. U. S. v. 6 Dozen Cartoned Bottles * * *. (F. D. C. No. 34669. Sample No. 51391-L.)

LIBEL FILED: February 17, 1953, District of New Jersey.

ALLEGED SHIPMENT: On or about January 3, 1953, by Manhattan Drug Co., Inc., from Brooklyn, N. Y.

PRODUCT: 6 dozen cartoned bottles of *Massarelli's Salnate tablets* at Bayonne, N. J.

LABEL, IN PART: (Carton and bottle) "Massarelli's Salnate For Relief of Symptoms Arthritis Rheumatism Active Ingredients: Calcium Succinate Acetylsalicylic Acid Ascorbic Acid 5 mg. Thiamin Chloride 1 mg. * * * 100 Tablets."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the bottle label, the bottle carton, and on a counter display box were false and misleading. The statements represented and suggested that the article was an adequate and effective treatment for arthritis, rheumatism and lumbago.

Further misbranding, Section 502 (e) (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each active ingredient since aspirin was an active ingredient of the article and was declared as acetylsalicylic acid, which is not its common or usual name.

DISPOSITION: Manhattan Drug Co., Inc., appeared as claimant and filed an answer denying the allegations of the libel. A request for answers to written interrogatories thereafter was served by the Government upon the claimant. The claimant failed to object or respond to such interrogatories within the time provided by the Federal Rules of Civil Procedure. Accordingly, on March 8, 1954, the court ordered that the Government's motion to strike the claimant's pleadings be granted. On the same day, namely, March 8, 1954, the court entered a decree of condemnation and ordered that the product be destroyed.

4337. Misbranding of concentrated extract of alfalfa. U. S. v. 6¼ Cases, etc. (F. D. C. No. 35338. Sample No. 64598-L.)

LIBEL FILED: July 6, 1953, Western District of Washington.

ALLEGED SHIPMENT: On or about January 16, 1953, by Lucerne Laboratories of Utah, from American Fork, Utah.

PRODUCT: 6¼ cases, each case containing 24 8-ounce bottles, of *concentrated extract of alfalfa* at Seattle, Wash., together with a number of circulars entitled "Lucerne (Lucerne is the Old World name for Alfalfa)."

LABEL, IN PART: (Bottle) "Lucerne Concentrated extract of alfalfa (Medicago Sativa). It is a Dietary Supplement * * * One teaspoonful (5 mls) contains: 12.5 Mg. Calcium, 12 Mg. Phosphorus, 0.00586 Mg. Iron, 0.0069 Mg. Iodine * * * Lucerne contains sucrose which (in the process) is converted to Delta-Glucose and Fructose" or "Lucerne Concentrated extract of alfalfa, containing Cobalt, the vital element in Vitamin B₁₂. The Cobalt is from specially fertilized alfalfa, not a Pharmaceutical—and Sucrose which (in the process) is converted to Delta-Glucose and Fructose * * * It is a Beverage Food Supplement."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the above-mentioned circular accompanying the article were false and misleading. The statements represented and suggested that the article was effective to overcome fatigue and to treat rheumatism, arthritis, neurasthenia, exhaustion, and general debility, whereas the article was not effective for such purposes.

DISPOSITION: March 12, 1954. Default decree of condemnation and destruction.

4338. Misbranding of Nervosan device. U. S. v. 60 Devices, etc. (F. D. C. No. 34595. Sample No. 24089-L.)

LABEL FILED: January 8, 1953, District of New Jersey.

ALLEGED SHIPMENT: The devices were imported in 1934 or 1935 by Josef Cornely, from the Medico Co., Munich, Germany, to Newark, N. J.

PRODUCT: 60 *Nervosan devices* at Newark, N. J., in possession of Josef Cornely, together with a number of booklets entitled "Nervosan—The New Way" and a number of 4-page illustrated leaflets containing statements relating to the device. The booklets and leaflets were printed in Newark, N. J., for Josef Cornely.

The device consisted essentially of an induction coil of interrupting type for the production of a chopped high-voltage and current. The device was capable also of producing ozone.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the above-mentioned booklets and leaflets accompanying the device were false and misleading. The statements represented and suggested that the device would insure against the proverbial discomfort of old age; that it was effective in the treatment of high blood pressure, anemia, diabetes, stomach troubles, rheumatism, exhaustion and general breakdown, hardening of the arteries, heart trouble, nerve derangements, paralysis, swollen ankles, varicose veins, growths, emaciation, excessively fatty condition, inflammations of the brain and chest, deficient hearing, epilepsy, inflammation of the eyes, gallbladder ailments, goiter, gout, lumbago, hemorrhoids, ulcers of the stomach and intestines, dropsy, neurasthenia, open legs, sores, infantile paralysis, stiff joints, sexual incompetence, pyorrhea, tuberculosis, bronchitis, whooping cough, influenza, measles, scarlet fever, diphtheria, typhus, and pneumonia; that it would supply health-giving force, flooding the entire body with living organism in harmonious relationship with the human nerve system; that it would reinvigorate, soothe the nerves, clarify brain activity, effect healthful sleep, regenerate, restore and maintain health and vitality, afford resistance to disease, break up congestion and disease and convert them to normalcy of nerves, blood, organs, and glands, and liberate from pain; and that it was effective in the treatment of hay fever and sinus and respiratory afflictions, affections of the ears, nose, heart, liver, kidneys, pancreas, skin, and a sore spot in the shoulder. The device was not effective in the treatment of the conditions stated and implied, and it was not capable of fulfilling the promises of benefit made for it. The device was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: Josef Cornely, claimant, filed an answer denying that the device was misbranded, after which the Government served upon the claimant written interrogatories which the claimant failed to answer. Thereafter, on April 9, 1954, upon motion by the Government, the court ordered that the claimant's pleadings be stricken and default entered for failure to answer the interrogatories, and that the device under seizure be condemned and destroyed.