

**4596. Muscle-Aid. (Inj. No. 258.)**

**PETITION FILED:** On 4-12-54, in the S. Dist. Calif., the United States Attorney filed a petition for an order to show cause why Herman H. Kronberg, doing business under the name of Muscle-Aid Co., Los Angeles, Calif., should not be punished for criminal contempt of the permanent injunction which had been entered against him on 1-6-53 (notice of judgment on drugs and devices, No. 4046).

**CHARGE:** The petition alleged that, following the entry of the injunction, the defendant engaged in a nationwide distribution of a drug which he marketed under the name of *Muscle-Aid* and offered to the public as effective in the treatment of six of the prohibited conditions listed in the injunction, namely, arthritis, rheumatism, neuralgia, sciatica, sprains, and bruises; that *Muscle-Aid* was identical in composition with Muscle-Rub, the specific product involved in the original injunction proceeding, except that 1-oz. of turpentine per gallon was added to the Muscle-Rub formula to produce *Muscle-Aid*; that the limited therapeutic properties of each article were essentially the same; and that the articles were "similar" as that term was used in the injunction.

The petition further alleged that the defendant had caused interstate shipments of *Muscle-Aid* to be made from Los Angeles, Calif., to Hanover, Pa., and Birmingham, Ala., on 10-1-53 and 10-12-53; that, when so shipped, the article was misbranded under 502 (a) in that its labeling, when read in the light of the promotional setting, created the false and misleading impression in the mind of the prospective purchaser that the article was efficacious for the relief and cure of pains due to arthritis, rheumatism, neuralgia, sciatica, sprains, and bruises; and, that by reason of the shipments, the defendant was in criminal contempt of the permanent injunction.

**DISPOSITION:** On 4-12-54, the order to show cause was issued, and on 6-21-54, the defendant pleaded guilty to violation of the injunction. On 7-12-54, the court suspended sentence and placed the defendant on probation for 5 years on condition (1) that he pay to the Government \$1,000 in such manner and in such amounts as the probation officer should prescribe; (2) that he should not engage in any business under the jurisdiction of the Food and Drug Administration, except with the expressed written permission of the probation officer; and, (3) that during the period of probation, the defendant should not violate any of the laws of the United States or of the State of California.

**4597. Muscle-Aid. (F. D. C. No. 36185. S. No. 83-392 L.)**

**QUANTITY:** 86 doz. 3-oz. btls. and 20 doz. 8-oz. btls. at Madison, Wis.

**SHIPPED:** Between 3-25-53 and 4-27-53, from Los Angeles, Calif., by Muscle-Aid Co.

**LABEL IN PART:** (Btl.) "Muscle-Aid Use as an aid in the Relief of Pain and discomfort from Rheumatism, Arthritis, Neuralgia, Sciatica, & Sprains, Sore Muscles \* \* \* Contents: Isopropyl Alcohol . . . . 75% Ethyl Alcohol . . . . 1.8% Methyl Salicylate, Camphor, Oil of Turpentine, Menthol &Fld. Ext. Hamamelis."

**ACCOMPANYING LABELING:** Leaflet entitled "Muscle-Aid."

**RESULTS OF INVESTIGATION:** To establish a setting in which the labeling statements would be read by the consumer, the shipper caused to be supplied advertising mats for advertising in a Madison, Wis. newspaper. These mats pictured for contrast a gnarled, deformed hand of a person suffering from arthritis