

correcting posture, stimulating circulation, tightening and toning muscle tissues, removing excess fatty tissue, reducing weight and slenderizing, firming the flesh, spot reducing, relieving tension while conditioning the body, and recontouring the figure.

DISPOSITION: 1-12-62. Default—2 devices delivered to the Food and Drug Administration; the remaining 3 devices destroyed.

7059. Puritron device. (F.D.C. No. 43635. S. No. 5-639 P.)

QUANTITY: 7 Model F-20 devices and 5 Model 800 devices, at Wash., D.C.

SHIPPED: 9-1-59 and 9-4-59, from New Haven, Conn., by Puritron Corp.

LABEL IN PART: (Device) "Puritron * * * Model * * * New Haven, Conn."

ACCOMPANYING LABELING: Placards reading "Who's afraid of the Pollen Count?" and "This Week Try Puritron"; leaflets entitled "Important Medical Notice" and "Facts About Puritron."

RESULTS OF INVESTIGATION: Photographs and labeling indicated the article consisted of a portable box-type cabinet containing an electric fan, fiber filter pad, and several ultraviolet lamps. In operation, the fan would draw room air into the cabinet where it would pass through the filter and be exposed to ultraviolet lamps, after which it was expelled back into the room.

LIBELED: 10-29-59; libel amended 3-1-61 and 12-15-61, Dist. Columbia.

CHARGE: (Original libel), 502(a)—when shipped, the labeling contained false and misleading representations that the article was an adequate and effective treatment for relieving hay fever, asthma, sinus, and allergies; that use of the device would relieve "desperate sufferers" of allergy conditions; that the device was an advance in the field of allergy relief; that it allowed sinus, asthma, or allergy sufferers to breathe freely without fear of coughing, sneezing, or wheezing; and that the device was used by physicians and in hospitals, thereby implying that the device had an established position as an effective treatment for the named conditions; and (first amendment to libel), 502(a)—when shipped, the labeling for the device, namely, the leaflet entitled "Important Medical Notice" also contained the following statement, "'Surpasses all expectations. Performs miracles for a dust allergy patient.'—A Pennsylvania Physician." which statement was false and misleading in that it represented that the person making the statement was a physician whereas such person was not a physician, and in that it represented that the device would perform miracles for a dust-allergy patient, whereas the device would not accomplish such results.

DISPOSITION: On 12-7-59, Puritron Corp., claimant, filed an answer denying that the article was misbranded. Thereafter, on 3-1-61, the Government filed an amendment to the libel, to which claimant filed an answer admitting that the person to whom the labeling statement quoted in the amendment to the libel was attributed was not a physician, but denying that the statement was false and misleading in any other respect.

On 12-15-61, the Government filed a second amendment to the libel, praying for injunctive relief. On 12-20-61, the claimant having admitted the allegations contained in the first amendment to the libel and denying the substantive allegations in the remainder of the libel and having consented to a decree, and the Government having consented to dismissal of the prayer for injunctive relief, the court adjudged that the article was misbranded under 502(a) as alleged in the amended libel and entered a decree providing for condemnation and destruction of the article, and dismissal of the prayer for injunctive relief.