2235. Misbranding of Cloro. U. S. v. 3 Cloro Devices and a number of circulars. Tried to the jury; directed verdict for the Government. (F. D. C. No. 20746. Sample No. 40688–H.)

LIBEL FILED: On or about September 9, 1946, Eastern District of Missouri.

ALLEGED SHIPMENT: The devices were shipped on or about July 25, 1946, from Tucson, Ariz., to St. Louis, Mo., by L. P. Dickey, and the circulars were transported on or about June 30, 1946, by Dr. H. E. Glaesner.

PRODUCT: 3 *Cloro* devices at St. Louis, Mo., together with a number of circulars entitled "Here's to Your Health * * * L. P. Dickey * * * Tucson, Ariz." Examination showed that the devices were electrical, and that when charged and operated in accordance with the directions furnished, they would give off chlorine gas and vapors of eucalyptol.

LABEL, IN PART: (Sticker on back of device) "Roh Radio Co. 519 North Sixth Avenue, Tucson, Arizona."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the above-mentioned circulars accompanying the devices were false and misleading since they represented and suggested that the devices would be effective in the treatment of sinus, arthritis, hay fever, bronchitis, and common colds, whereas chlorine, whether used alone or in combination with eucalyptol, is not effective in the treatment of sinus, arthritis, hay fever, bronchitis, and common colds.

DISPOSITION: L. P. Dickey appeared as claimant and filed an answer on October 11, 1946, denying that the product *Cloro* was a device within the meaning of the law and, further, that it was misbranded.

The case came on for trial before a jury on February 3, 1947, during which trial testimony was introduced by the claimant and the Government. On February 5, 1947, at the conclusion of the trial, the court directed the jury to return a verdict in favor of the Government, which was done.

On February 7, 1947, judgment of condemnation was entered and the devices were ordered destroyed. On March 14, 1947, the decree was amended, providing for the delivery of the devices for the use of the Food and Drug Administration.

2236. Misbranding of Electreat (device). U. S. v. 3 * * * and a quantity of printed matter. (F. D. C. No. 23177. Sample No. 49770–H.)

LIBEL FILED: June 6, 1947, Northern District of Texas.

ALLEGED SHIPMENT: On or about March 17, 1947, by the Electreat Mfg. Co., from Peoria, Ill.

PRODUCT: 3 devices known as *Electreat*, at Dallas, Tex., together with 3 instruction charts headed "Electreat Instruction Chart" and 34 circulars headed "Do You Want to Improve Your Health," which were enclosed with the devices. Examination showed that each device consisted of dry cells, a small buzzer coil, and attachments intended to supply an electrical shock to the body.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the charts and circulars were false and misleading. These statements represented and suggested that the device was effective to improve health, to control nerves, and to remove dandruff, and, further, that it was effective in the treatment of sciatica, muscular aches, arthritis and paralysis, sinus trouble, earaches, menstrual disturbances, cracked nerves, rheumatism, aches and pains, heart disease, tight muscles, nervous breakdown, prostate trouble, crippled hands, and about all diseases. The device would not be effective for such purposes.

DISPOSITION: July 22, 1947. Default decree of condemnation and destruction.

2237. Misbranding of Exercycles (devices). U. S. v. 47 * * *. (F. D. C. No. 22958. Sample No. 38290–H.)

LIBEL FILED: April 28, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: By the Exercycle Corporation. The *Exercycles* were shipped from Hartford, Conn., between the approximate dates of December 3, 1946, and January 27, 1947, and a number of booklets were shipped during 1946, from New York, N. Y.

PRODUCT: 47 *Exercycles* at Chicago, Ill., together with a number of booklets entitled "Exercycle Exercises," "Keeping Fit," "Health in Action," and "Interesting Exercycle Facts." The *Exercycle* resembled a wheelless bicycle and