2643. Misbranding of Algaederm Ointment and Algaederm Solution. U. S. v. 42 Cartons, etc. (F. D. C. No. 24758. Sample Nos. 25182–K to 25185–K, incl.)

LIBEL FILED: May 4, 1948, District of Minnesota.

ALLEGED SHIPMENT: On or about November 17, 1947, by the Wilson Storage & Transfer Co., from Sioux Falls, S. Dak., and by Algaederm, Inc., from Bellingham, Wash.

PRODUCT: 42 cartons, each containing 36 2-ounce jars, of *Algaederm Ointment* and 57 cartons, each containing 24 4-ounce bottles, of *Algaederm Solution* at Hopkins, Minn. Each carton contained a copy of a circular entitled "Algaederm." A circular entitled "What is Algaederm?" also accompanied the articles. Examination showed that the ointment consisted essentially of kelp extractives, soap, water, and petrolatum, and that the solution consisted essentially of kelp extractives, soap, water, and a small amount of an oil.

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements in the labeling of the articles were false and misleading since the articles were not effective in the treatment of the conditions, diseases, and symptoms stated and implied: "Uses for which Algaederm has been usually effective in bringing rapid and lasting relief: Eczema, Acne, Impetigo, and similar chronic skin disorders * * * Bruises * * * 'Jungle Rot' and Fungus Infections * * * Varicose Vein Ulcers."

Further misbranding, Section 502 (a), the following statements in the labeling of the articles were misleading since they implied that the use of soap should be avoided, whereas the articles contained soap: "Use no soap in treating with Algaederm," "do not use soap," and "Use no soap in treating with Algaederm."

DISPOSITION: Algaederm, Inc., having appeared as claimant and having requested removal of the case from the District of Minnesota, an order was entered for the removal of the case to the Eastern District of Washington. On January 24, 1949, with the consent of the claimant, judgment of condemnation was entered and the products were ordered destroyed.

2644. Misbranding of Therm Massage Infra Red Heat Applicator. U. S. v. 141 Cartons, etc. (F. D. C. No. 26072. Sample No. 12199–K.)

LIBEL FILED: November 17, 1948, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 11, 1948, by Sibert & Co., Inc., from Newark, N. J.

PRODUCT: 141 cartons, each containing 1 *Therm Massage Infra Red Heat Applicator* at Philadelphia, Pa., together with 19 display posters entitled "Therm Massage." Examination showed that the device consisted of two pieces of molded bakelite, one serving as a handle and the other containing an electrically heated coil.

NATURE OF CHARGE: Misbranding, Section 502 (a), the statement in the display posters "Use for colds, stiff neck * * * rheumatic pains, pains in back" was false and misleading since the device was not effective in the treatment of such conditions.

DISPOSITION: December 13, 1948. Sibert & Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling, under the supervision of the Federal Security Agency.