3798. Misbranding of MacLevy hand massagers. U. S. v. 10 Devices, etc. (F. D. C. No. 32220. Sample No. 32371–L.)

LIBEL FILED: December 6, 1951, Eastern District of Arkansas.

ALLEGED SHIPMENT: On or about August 21, 1951, by the MacLevy Equipment Corp., from New York, N. Y.

PRODUCT: 10 *MacLevy hand massagers* and 9 leaflets entitled "Reduce At Home" at Pine Bluff, Ark. The device consisted of 4 rubber balls mounted on a metal shaft with a handle at each end.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the accompanying leaflets entitled "Reduce At Home" were false and misleading since they represented and suggested that the device would be effective to bring about a reduction in weight, whereas the device would not be effective for that purpose.

DISPOSITION: January 24, 1952. Default decree of condemnation. The court ordered that the 5 devices which actually were seized under the libel and the leaflets be delivered to the Food and Drug Administration for exhibit purposes.

3799. Misbranding of Therm-Massage infrared heat applicator. U. S. v. 2,000 Cartons, etc. (F. D. C. No. 32221. Sample No. 3702–L.)

LIBEL FILED: On or about December 4, 1951, District of Maryland.

ALLEGED SHIPMENT: On or about October 25 and 26, 1951, from Newark, N. J.

PRODUCT: 2,000 *Therm-Massage infrared heat applicators* in individual cartons at Baltimore, Md., together with a number of cards headed "Infra-Red Therm-Massage Heat Applicator." The cards were printed locally.

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements on the above-mentioned cards accompanying the device were false and misleading since the device was not an adequate and effective treatment for the conditions stated and implied and was not capable of fulfilling the promises of benefit made for it: "Infra-Red Therm-Massage Heat Applicator * * * Indicated for * * * aching joints, backache, rheumatism, aching muscles, foot cramps, arthritis, stiff neck, sinus, neuritis * * * sprains * * * leg cramps * * * Is your Family Protected Right Now? * * * Notice how quickly sore muscles begin to relax, aching nerves and joints feel better * * * Pain may come suddenly. Here's quick convenient inexpensive relief * * * Say No, to aches and pains * * * Arthritis Relief * * * have had arthritis for many years and this * * * has * * * given me relief * * * (pictures with legends 'Back Pains! Foot Pains! Sprains, bruises, foot and leg cramps. Head Pains! Soothing Infra-Red Heat and Massage for colds, headache, sinus')." The device was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: September 8, 1952. National Health Aids of Baltimore, Inc., Baltimore, Md., having appeared as claimant and filed an answer to the libel, and later having withdrawn its answer, judgment of condemnation was entered and the court ordered that the devices be destroyed. On September 10, 1952. an order was entered providing for the delivery of three of the devices and their labeling to the Food and Drug Administration.

3800. Misbranding of Le Joi devices. U. S. v. 822 Devices, etc. (F. D. C. No. 33197. Sample No. 17207–L.)

LIBEL FILED: April 24, 1952, Southern District of California; amended libel filed April 24, 1952.