3534. Misbranding of Kennedy's Mixture. U. S. v. 3 Cases * * *. (F. D. C. No. 31183. Sample Nos. 917–L, 918–L.)

LIBEL FILED: June 8, 1951, Western District of North Carolina.

ALLEGED SHIPMENT: On or about April 30 and May 14, 1951, by the York Drug Store, from York, S. C.

PRODUCT: 3 cases, each containing 36 8-ounce bottles of *Kennedy's Mixture* at Charlotte, N. C.

LABEL, IN PART: (Bottle) "Kennedy's Mixture Active Ingredients: Sodium Citrate and Bismuth Subnitrate."

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements in the labeling of the article, namely, in the form letter wrapped around each bottle, were false and misleading since the article was not effective in the treatment of the conditions stated and implied and would not fulfill the other promises of benefit made for it: "also for irritated and ulcerated conditions of the stomach and duodenal tract. I firmly believe that if it is taken regularly, the inner lining of the stomach will get a protective coating which will help wonderfully towards a return to normal conditions. * * * Good health is a great blessing, so make an effort to restore it * * *."

DISPOSITION: July 12, 1951. Default decree of condemnation and destruction.

3535. Misbranding of Domogyn vaginal douche powder. U. S. v. 79 Cans, etc. (F. D. C. No. 30936. Sample Nos. 9718–L, 9723–L, 9724–L.)

LIBEL FILED: May 1, 1951, Northern District of Illinois; libel amended on or about May 25, 1951.

ALLEGED SHIPMENT: Between the approximate dates of January 12 and April 24, 1951, by Dome Chemicals, Inc., from New York, N. Y.

PRODUCT: 79 1-pound cans and 64 4-ounce cans of *Domogyn vaginal douche powder* at Chicago, Ill. Analysis indicated that the product consisted essentially of aluminum sulfate, calcium acetate, boric acid, starch, and a wetting agent.

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statement "therapeutic douche for * * * leukorrhea and common forms of vaginitis" was false and misleading since the article was not effective in the treatment of these conditions; and, Section 502 (c), the information required by Section 502 (e) (2) to appear on the label, namely, the common or usual names of the active ingredients, was not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use since it appeared in very small type, part of which was on each of two side panels of the label.

DISPOSITION: July 31, 1951. Default decree of condemnation and destruction.

3536. Misbranding of ozone generators. U. S. v. 17 Devices, etc. (F. D. C. No. 31329. Sample Nos. 12797–L, 12805–L.)

LIBEL FILED: July 9, 1951, District of New Mexico.

ALLEGED SHIPMENT: On or about April 11 and 25, 1951, by A. F. Peavey, from Tucson, Ariz.