

capable of producing hair, that in order to prevent the hair from falling out or becoming harsh and brittle, it is very necessary to keep the scalp free from dandruff scales and in a soft and pliant condition, that the said article would be found helpful for this purpose; that it would supply the requisite moisture to the scalp and hair and would enable one to avoid premature grayness or loss of hair by giving the scalp care and attention, that it would promote a condition favorable to hair growth and that if the hair or scalp was in a bad condition the said article was just what was needed, which representations were false and misleading.

On May 13, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

**217. Misbranding of Axine Plates. U. S. v. 19 Sets of a device called Axine. Default decree of condemnation and destruction. (F. D. C. No. 825. Sample No. 72023-D.)**

The labeling of this product bore false and misleading representations as indicated hereinafter.

On or about November 9, 1939, the United States attorney for the Western District of Missouri filed a libel against 19 sets of Axine Plates at Higginsville, Mo., alleging that the article had been shipped in interstate commerce on or about September 30, 1939, by W. Gordon Pervis from Tennille, Ga.; and charging that it was misbranded.

Examination showed that the device consisted of two metal plates made of copper and zinc, respectively, which were to be worn in the shoes of the user, a plate in each shoe.

The article was alleged to be misbranded in that its labeling bore representations that it would produce health and vigor by means of electricity in the human body; would relieve the stiffness of old age and make one feel young again; would rid the blood of uric acid; would be efficacious in the mitigation, treatment, and prevention of high blood pressure, low blood pressure, headache, asthma, paralysis, kidney trouble, rheumatism, diabetes, eczema, cold hands and feet, and poor circulation; and would be efficacious "to draw the acid from the larynx gland and thus stop excessive coughing of asthma," which were false and misleading since the said article would not be efficacious for the said purposes.

It was alleged to be misbranded further in that its labeling represented that uric acid forms in the stomach, that it forms as the result of eating food that disagrees with the stomach, that the acid then filters through the blood and travels through the blood as a very fine crystal; that the device consisted of a composition of metals "which would act upon the human electricity and would make the human electricity fast"; that the device would heat the blood about 2 degrees and thus dissolve uric acid in the blood; that uric acid would pass through the blood into the said device; that the cause of high blood pressure is the uric acid crystals stopping in the arteries, hardening of the arteries, and enlarging the heart; that the device would stimulate one's own electric current; that the electric current would pass through the brain and dissolve and draw away clot on the brain; that uric acid stiffens the prostate gland; that because of uric acid the prostate glands stand open and will not "pan down"; that failure of the prostate glands to "pan down" causes diabetes; that the device would produce heat by the metals' acting as a battery on the human electricity and that the heat thus produced would cause the prostate gland to "pan down" and relieve the patient entirely, which representations were false and misleading.

On March 25, 1940, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

**218. Misbranding of foot exerciser. U. S. v. 70 Retail Packages of H & H Foot Exercisers. Default decree of condemnation and destruction. (F. D. C. No. 2157. Sample No. 16801-E.)**

This article consisted of a wooden roller. Its labeling bore false and misleading representations regarding its efficacy in the conditions indicated below.

On or about June 7, 1940, the United States attorney for the Western District of Missouri filed a libel against 70 retail packages of H & H Foot Exercisers at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about April 29, 1940, by the Hussmann-Holmes Co. from El Paso, Tex.; and charging that it was misbranded.

The article was alleged to be misbranded in that the labeling bore representations that it was efficacious in the treatment of weak arches, flat feet, metatarsal

trouble, burning calluses, "chronic leg muscle," and limitations of foot motion; that it would regenerate the nerves, develop strength in the muscles and flexibility in the joints; would strengthen weak ankles and other ankle disturbances, such as swelling, enlargement and strain due to trauma, would oxidize the fat around the ankle by breaking up the fat cells, would relieve fatigue for persons who stand for long periods, and would relieve cold feet, the result of poor circulation, that all suffering from such conditions is needless and is easily relieved by the device; that it would eradicate foot suffering, would produce vim, vigor, and new energy, and replace weariness and pain; that it would enable one to enjoy improved health, greater comfort, a finer and sweeter personality and a new body by spending a few minutes and a little patience each day with the device; that foot comfort means bodily comfort and health; that most body ailments are caused by bad feet and that no other part of the body can affect the general health as much as the feet; that when the feet hurt it is often nature's signal of something worse to come and that aching feet may be nothing to what may follow if the trouble is not corrected; that the device would relieve most pains quickly; that when the muscles are weakened or bones displaced, even slightly, trouble is sure to follow; that headaches, backaches, leg pains, nervous conditions, and other ailments can often be traced to simple foot faults, and that when these are corrected the pain disappears; that the device was a most remarkable contribution for relief of foot ailments, that it was a health-building appliance, built on scientific and orthopedic principles incorporating all exercises for feet; that it was the same principle used for correcting flat feet and weak arches in concentration camps during the war; that it would relieve the three main causes of foot trouble, tension in joints, strain on muscles, and limitation of foot motion; that if the feet were normal it would keep them in perfect condition, that the condition of the general health depends on the attention given the feet, and that most foot troubles can be avoided by preventive measures; that if the foot muscles grow weak and allow the arches to fall, there is pressure on sensitive nerves causing pains as severe as rheumatism, backaches, headaches, that the sight is affected and curvature, neuritis, arthritis, and many other ailments result; that when the system is suffering from fatigue, the heart is working overtime; that the feet being most remote from the heart do not receive their quota of blood and become cold, clammy, and that the supporting structures (muscles and ligaments) are deprived of their normal amount of heat necessary to function, and that dislocations and deformities often result; that the device would hasten the return to normalcy by restoring circulation and muscle tone to feet and legs; that conditions related to faulty foot posture which would be relieved by correct foot balance are: (Neck and head) stiff neck, headache, congestion, strain, localized pain, neuritis; (spine and pelvis) nervousness, postural defects, sway back, round shoulders, arthritis, rheumatic pains, compaction of spine, lumbosacral strain, sacro-iliac strain, neurasthenia, muscle spasm, flexible curvature, muscle-joint strain, myositis, "twisted pelvis," unlevel hips, unlevel shoulders, neuritis, prominent shoulder blades; (thigh and calf) cramps, muscular pains, rheumatic pains, sciatica, contracted ham strings, varicose veins, stiffness on arising, excessive tiredness from walking or standing, swelling and congestions; and (ankle and foot) arthritis, rheumatic pains, flat feet, pronation, muscle unbalance, fallen arches, chronic strain, acute strain, swollen ankles, weak ankles, painful heel, "Morton's Toe," corns, bunions, excessive perspiration, burning feet, cold feet, numbness, ingrowing nails, hammer toes, muscle cramps, splay foot, contracted foot, defective gait, clumsiness, stiffness on arising, strain of heel cord, shortened heel cord, "Shaffer's foot," bony subluxations, muscle-joint strains, retracted toes, rigid joints, plantar neuralgia, pointed toes, rotated heel, inverted ankles, varicose veins, and calluses; that cold, clammy, sweaty feet, tired and aching muscles, and many cases of so-called rheumatism are nothing but nerve pressure caused by ill feet; that the device would gently force bones and ligaments back into place, relax tired muscles, stimulate circulation, and build up the arches; that it was beneficial for convalescing patients who have had crushing injuries to the feet or bad sprains of the foot muscles and tendons, also for invalids who have been confined to bed for long periods; and that it would aid in restoring articular motion to the feet, which representations were false and misleading since the device was not efficacious for the purposes recommended.

On August 31, 1940, no claimant having appeared, judgment of condemnation was entered and the article was ordered destroyed.