

to what extent they were benefited, and for what maladies they were used," were false and misleading in that they created the impression that the article constituted an appropriate treatment in the conditions mentioned in the "Six and Three News" referred to in said statements, such as disorders of the stomach, liver and kidneys, rheumatism, impure blood, nervous affections, inflammatory rheumatism brought on by kidney troubles, stomach trouble, inflammation of the bladder, liver troubles, Bright's disease, sciatic rheumatism, and nervous indigestion; whereas it was not an appropriate treatment for these conditions and because the label failed to reveal facts material with respect to consequences which might result from the use of the article under the conditions of use above referred to.

On May 18, 1940, no claimant having appeared, judgment was entered ordering that the product be destroyed.

**307. Misbranding of Diabet-Tea. U. S. v. 9 Packages of Diabet-Tea. Default decree of condemnation and destruction. (F. D. C. No. 3084. Sample No. 34721-E.)**

The labeling of this product contained false and misleading representations regarding its efficacy in the treatment of diabetes, and it also failed to bear the common or usual name of the drug from which it was made.

On September 26, 1940, the United States attorney for the Southern District of New York filed a libel against 9 packages of Diabet-Tea at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 11, 1940, by the Diabet-Tea Co. from Scranton, Pa.; and charging that it was misbranded.

Analysis showed that the article consisted of ground *Hypericum perforatum*, commonly known as St. Johnswort.

The article was alleged to be misbranded in that the statements appearing on the label, "Nature's Food Diabet-Tea for Diabetes The Contents of this Package has been carefully prepared for the Use of Those who Suffer from Diabetes," were false and misleading. It was alleged to be misbranded further in that the label did not bear the common or usual name of the drug.

On October 21, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**308. Misbranding of Milk of Soya Bean. U. S. v. 2 Cases of Milk of Soya Bean. Default decree of condemnation and destruction. (F. D. C. No. 1704. Sample No. 13603-E.)**

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated below.

On March 25, 1940, the United States attorney for the Western District of Washington filed a libel against 4 cases of powdered milk of soya beans, alleging that the article had been shipped in interstate commerce on or about February 8, 1940, by Radcliffe's [Radcliffe Soya Products] from San Francisco, Calif.; and charging that it was misbranded. The article was labeled in part: "A nerve, brain and gland rejuvenator \* \* \* for \* \* \* diabetics."

Analysis showed that the product was a mixture of powdered soya beans and powdered milk.

It was alleged to be misbranded in that the statements appearing in the labeling, "A nerve, brain, and gland rejuvenator \* \* \* for \* \* \* diabetics," were false and misleading since the said statements represented that the article was efficacious for the purposes recommended; whereas it was not efficacious for such purposes.

The article was also alleged to be adulterated and misbranded under the provisions of the law applicable to foods reported in food notice of judgment No. 1336.

On May 29, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**309. Misbranding of Oster Massagett. U. S. v. 12 Packages of Oster Massagett. Default decree of condemnation and destruction. (F. D. C. No. 1769. Sample No. 8077-E.)**

This device was an electric motor so constructed as to vibrate when it revolved, and fitted with an attachment whereby it was clamped to the back of the hand. Its labeling bore false and misleading representations regarding its efficacy in the conditions indicated below.

On April 9, 1940, the United States attorney for the District of Minnesota filed a libel against 12 of the above-named devices at Le Center, Minn., alleging that

the article had been shipped in interstate commerce on or about January 18, 1940, by the John Oster Manufacturing Co. from Racine, Wis.; and charging that it was misbranded.

The device was alleged to be misbranded in that its labeling bore representations that it would be efficacious for the development and preservation of good health, that poor blood circulation is usually the cause of most physical ailments, that sluggishness and congestion are due to poor blood circulation and bring about disease; that it would stimulate blood circulation, eliminate congestion, and banish localized pain caused by congested blood vessels pressing on sensitive nerves; that it would bring good health and happiness; would give some relief in the acute types of arthritis and delay the progress of chronic arthritis; that proper functioning of the digestive organs is most essential in relieving arthritis and that massage of the abdomen is recommended therefor; that the device would eliminate the danger of overtraining and staleness in the grooming of athletes; that it would be of great value in the treatment of sprains and bruises by restoring the blood circulation on which healing depends; that it would ease and relieve stiff joints and that adhesions in the joint would be gently separated; that the daily application of the device to the bed-ridden patient would compensate for the absence of the normal activities of life, would tend to allay deformity arising from prolonged inactivity and the muscles from becoming stiff, would stimulate the blood circulation and tone the nerves thus refreshing and soothing the tired body, improving the color, appetite and sleep, and creating greater contentment at being confined to bed; that the treatment would be effective in breaking up most forms of congestion and would help to bring about relief in colds; that it would overcome lack of bowel tone and action and restore normal activity of the bowels; that when applied to the abdomen accompanied by gentle finger manipulation the Massagett treatment would penetrate deeply into the stomach and intestines with sufficient force to help normalize the natural functions of the digestive organs; that it would be efficacious in the treatment of chronic constipation; that in cases of fatigue it would relieve strain, loosen the tissues and joints, refresh the muscles and restore normal circulation; that it would keep the gums firm and healthy, would be efficacious in mental fatigue and headache, nervousness, insomnia and nerve prostration; that it would tend to counteract nervous irritability which is usually present in those who have been reducing by dieting without due precaution; that it would be efficacious in the treatment of rheumatism by stimulating the nervous, glandular and eliminatory systems and that lumbago and neuritis would respond to its treatment; that it had proven a boon to elderly people by contributing to their maintenance of health by providing the needed exercise they lack due to their state of inactivity; that daily treatment with the device would promote a healthy scalp and hair; that it would be an excellent aid to facial appearance and to muscle tone, would cause the blood to circulate more freely, assisting in the elimination of waste and supplying nourishment, thus toning the muscles and building up the tissues, which representations were false and misleading since the device would not be efficacious for the purposes so recommended.

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

**310. Misbranding of Purity Pine Disinfectant. U. S. v. Wilco Laboratories, Inc. Plea of guilty. Fine, \$50. (F. D. C. No. 2067. Sample No. 86164-D.)**

The labeling of this product bore false and misleading representations regarding its efficacy in the treatment of the conditions indicated below.

On July 9, 1940, the United States attorney for the Southern District of New York filed an information against the Wilco Laboratories, Inc., New York, N. Y., alleging shipment by said company on or about September 29, 1939, from the State of New York into the State of Connecticut of a quantity of Purity Pine Disinfectant which was misbranded.

Analysis showed that the article consisted of soap, water, and pine oil.

It was alleged to be misbranded in that the representations in the labeling that it would be effective in the treatment of minor cuts and wounds when used as directed, were false and misleading.

On September 5, 1940, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.