and stimulate activity where metabolism is sluggish, and rebuild the body to healthfulness and happiness; would be invaluable to persons of advanced age or those whose occupations fail to give sufficient exercise; would stimulate bodily activity, improve digestion and elimination, restore bowel activity to normal, improve the circulation of the blood, and generally improve health, were false and misleading since it would not be efficacious for such purposes or accomplish the results claimed.

It was alleged to be misbranded further in that the statements appearing in its labeling, "Ultra Violet Rays * * * Are a Source of Vitamin D, are very beneficial to the upbuilding of the body, due to the difficulty in obtaining these Rays in a sufficient quantity under modern conditions, due to indoor occupations, and climatic conditions, our Laboratories have, after considerable research and experimentation, produced the R & R Ultra-Violet Ray and Radiation Machine," were misleading since such statements suggested and created the impression in the mind of the reader that the device would produce ultraviolet rays of sufficient intensity to produce in the body vitamin D in an amount sufficient to compensate in an important respect for the deficiency of vitamin D resulting from indoor occupations and unfavorable climatic conditions, whereas the device would produce ultraviolet rays of very weak intensity and would produce little, if any, vitamin D in the body.

On March 10, 1943, the defendant having entered a plea of not guilty, the case came on for trial before the court. At the conclusion of the testimony the court found the defendant guilty, and on March 22, 1943, imposed a fine of $250.

982. Misbranding of light bulbs. U. S. v. 240 Light Bulbs. Default decree of condemnation and destruction. (F. D. C. No. 8372. Sample No. 2063-F.)

Examination of these light bulbs showed that with the exception of an all-over decrease in the intensity of the light emanated from the bulb and the elimination of light in the ultraviolet range, their light emission characteristics were not different from those of the ordinary Mazda-type light bulbs.

On September 25, 1942, the United States attorney for the Northern District of Illinois filed a libel against 120 60-watt and 120 100-watt light bulbs at Chicago, Ill., alleging that the articles had been shipped in interstate commerce on August 5, 1942, from Toledo, Ohio, by the Save Electric Corporation; and charging that they were misbranded. The articles were labeled in part: (Shipping and individual cartons) "Doctors Say Verd-A Ray," and (shipping carton only) a design, a picture of a nurse.

The articles were alleged to be misbranded in that the statements and design appearing in the labeling, which represented and suggested that by their use in lieu of ordinary lamps the body supply of vitamin A would be conserved, therefore reducing eye and body fatigue, conserving energy, avoiding poor skin and poor vision, protecting the eyes, and aiding in the regulation of body metabolism, were false and misleading since the articles would not be efficacious for such purposes.

On May 5, 1943, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

983. Misbranding of rubbing compound and aspirin tablets. U. S. v. 49½ Dozen Bottles of Rubbing Compound and 66 Dozen Packages of Aspirin Tablets. Decrees of condemnation and destruction. (F. D. C. Nos. 9094, 9097. Sample Nos. 5962-F, 5963-F.)

On December 30, 1943, the United States attorney for the Southern District of Illinois filed libels against 49½ dozen bottles of rubbing compound and 66 dozen packages of aspirin tablets at Peoria, Illinois, alleging that the articles had been shipped on or about August 29 and October 8, 1942, from St. Louis, Mo., by the Halitosine Co.; and charging that the articles were misbranded. The articles were labeled in part: "Domino Brand Superior Rubbing Compound With Isopropyl Alcohol," or "Domino 100 Tablets Aspirin."

Examination showed that the rubbing compound consisted essentially of water and isopropyl alcohol 23 percent, together with small amounts of boric acid, thymol, menthol, and methyl salicylate. The number of aspirin tablets per bottle varied from 94 to 105, averaging 96.4 tablets per bottle.

The rubbing compound was alleged to be misbranded in that the name of the article and the statements appearing on its label, "Superior Rubbing Compound With Isopropyl Alcohol * * * Use for massaging, sponging, after bathing, cooling and refreshing, for hospital and home," were misleading since such name and statements created the impression that the article was a product extensively marketed as rubbing alcohol compound, a product which contained approximately