

The article was alleged to be misbranded because of false and misleading statements in the labeling which represented and suggested that it would be an effective treatment for pellagra and beriberi; that it would be effective as a preventative of mental diseases; that it would be an effective treatment and preventative of skin eruptions, brown scaly patches in localized areas, indigestion, and disturbances of the nervous system; that it would prevent sterility and promote the maturing of the normal germ cell in the male and the natural placental functioning in the female; that it would promote health, vigor, strength, and energy, and would benefit man, woman, or child who was undernourished or who required a general toning up; that it would improve the appetite, aid growth, and induce the normal functioning of the nervous system and intestinal tract; and that it would insure normal reproduction and lactation in mothers. The article would not be effective for such purposes.

It was alleged to be misbranded further in that the statements in the labeling which represented and suggested and created the impression that the disease conditions and functional impairment for which the product was recommended as stated above are usually the result of lack of vitamin B₁, riboflavin, and nicotinic acid, and that the reader might reasonably expect correction and alleviation of such conditions by the use of the article, were misleading since such conditions are not usually the result of lack of the vitamins named, but usually result from other causes, and the reader might not reasonably expect their correction and alleviation since the article would not ordinarily be effective for such purposes.

The article was also alleged to be misbranded under the provisions of the law applicable to food, as reported in notices of judgment on food, No. 5784.

On October 21, 1943, a plea of guilty was entered to all charges and the court imposed a fine of \$100, which covered both counts of the information.

1078. Misbranding of Vigor 8. U. S. v. 60 Cases of Vigor 8 and 2,000 Leaflets. Default decree of condemnation and destruction. (F. D. C. No. 9806. Sample No. 37662-F.)

On April 19, 1943, the United States attorney for the Eastern District of Michigan filed a libel against 60 cases, each containing 12 10-ounce jars of Vigor 8, and 2,000 leaflets entitled "Charles D. Kasher's Health and Beauty Chart," at Detroit, Mich., alleging that the article and the leaflets had been shipped on or about March 23, 1944, by the Royal Products Co., Chicago, Ill.; and charging that the article was misbranded.

Examination disclosed that the article contained dried brewers' yeast, corn flour, corn germ, and wheat germ.

It was alleged to be misbranded in that the statements, designs, and devices on the labels attached to the jars and in the above-mentioned leaflets were false and misleading since they represented and suggested that the article was of significant nutritional value by reason of the presence of vitamin B₁, vitamin E, and other factors of the B complex as found in brewers' yeast, and the elements potassium, sulfur, sodium, magnesium, copper, zinc, chlorine, and manganese; and that consumption of the product would insure normal functioning of the various organs of the body, and would prevent and correct abnormalities of those organs and such disease conditions as cold infection, ulceration, stone formation, cystitis, spasms, cramps, exhaustion, inflammation, paralysis, conjunctivitis, cataract, night blindness, scaliness, dryness and paleness of the skin, skin sores, gum infections, scurvy, loose teeth, and diabetes, whereas the article was not of significant nutritional value by reason of the presence of the vitamins, factors, and elements mentioned, and consumption of the article would not insure normal functioning of the various organs of the body and would not prevent or correct abnormalities of those organs, or the disease conditions mentioned and suggested.

The article was also alleged to be misbranded under the provisions of the law applicable to foods as reported in notices of judgment on foods.

On July 16, 1943, no claimant having appeared, judgment of condemnation was entered and the product and the leaflets were ordered destroyed.

1079. Misbranding of Cellasin No. 1 Tablets. U. S. v. 22 Bottles of Cellasin No. 1 Tablets. Consent decree of condemnation and destruction. (F. D. C. No. 8891. Sample No. 21747-F.)

On November 19, 1942, the United States attorney for the Western District of Pennsylvania filed a libel against 22 bottles, each containing 200 tablets, of Cellasin No. 1 at Pittsburgh, Pa., alleging that the article had been shipped by the American Ferment Co., from Buffalo, N. Y., on or about October 20, 1942; and charging that it was misbranded. The article was labeled in part: "Active

Ingredients Vitamin B₁ Vitamin B₂ From Dried Whole Yeast Powder Desiccated Whole Pancreas Substance Sodium Bicarbonate."

Examination of the article showed the presence of sodium bicarbonate, dried yeast, and unidentified animal tissues. These findings indicated that the product was essentially of the composition declared on its label. Additional examination of the article showed that it contained the declared vitamin content.

The article was alleged to be misbranded in that the statements appearing in its labeling which represented and suggested that, when taken as directed, it would be of value in the treatment of faulty carbohydrate metabolism, anorexia, obesity, polyneuritis, and diabetes (a particular form of faulty carbohydrate metabolism); and that the use of the article would result in improved intellectual and physical vigor, increased body weight, and good health, were false and misleading since the article, when taken as directed, would not be of such value, and its use would not accomplish the results suggested and implied.

On November 22, 1943, the American Ferment Co. having filed a claim and answer denying the allegation of misbranding, but later having withdrawn the claim and answer and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

1080. Misbranding of Vitality Vitamins. U. S. v. 41 Cartons of Vitality Vitamins. Default decree of condemnation and destruction. (F. D. C. No. 9408. Sample No. 13263-F.)

On March 13, 1943, the United States attorney for Western District of Washington filed a libel against 41 cartons, each containing 20 boxes of 7 capsules each, of Vitality Vitamins at Seattle, Wash., alleging that the article had been shipped on or about December 31, 1942, from Chicago, Ill., by the Belmont Laboratories; and charging that it was misbranded. The article was labeled in part: "Vitality Vitamins Contain Vitamins A . B₁ . D . G(B₂)."

The article was alleged to be misbranded in that certain statements on the cartons and individual boxes and in a circular entitled "Know Your Vitamins," inserted in each carton, were false and misleading since they represented and suggested that the article was efficacious in the correction or prevention of lowered resistance, coughs, colds, retarded growth, loss of weight, eye diseases, intestinal disorders, nervousness, constipation, slow heart rate, loss of appetite, reduced well-being, dental decay, poor tooth development, rickets, and soft bones, whereas the article was not so efficacious; and the said statements compared the vitamin content of the article with that of eggs, milk, and bananas; and, when read in connection with the statements in the labeling with respect to the loss of vitamins from ordinary foods in the usual manner of preparation, they created the impression that it is not practicable to obtain an adequate amount of vitamins through the consumption of ordinary food as usually prepared, whereas adequate amounts of vitamins can be obtained through the consumption of ordinary food as usually prepared.

The article was also alleged to be misbranded under the provisions of the law applicable to foods, as reported in the notices of judgment on foods.

On September 16, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1081. Misbranding of Allen's Nijara Capsules. U. S. v. 16 Dozen Packages and 71 Boxes of Allen's Nijara Capsules. Decrees of condemnation and destruction. (F. D. C. Nos. 9707, 9739. Sample Nos. 37143-F, 37149-F.)

This product consisted of dried green stem and leaf material, including in one lot such material as parsley and watercress, and in the other a considerable proportion of tissues resembling parsley. Examination of a sample showed that it contained not more than 5 U. S. P. units of thiamine (about $\frac{1}{60}$ the minimum daily requirement of thiamine), and but an inconsequential amount, if any, of ascorbic acid, riboflavin, nicotinic acid, and vitamin D.

On March 25 and April 2, 1943, the United States attorney for the District of Columbia filed libels against 16 dozen packages and 71 boxes of Allen's Nijara Capsules at Washington, D. C., alleging that the article, which had been consigned by the Allen Products Co., Inc., Washington, D. C., on or about February 24 and March 23, 1943, was in interstate commerce; and charging that it was misbranded. It was labeled in part: (Packages and boxes) "Twenty (20) Capsules Allen's Nijara Composed of the following ingredients only: Asparagus, Parsley, Watercress, Broccoli. For Adults: Suggested Daily Dosage: Five (5) capsules daily."