

1121. Misbranding of Trapper's Preparation for Sinus. U. S. v. Cecil James Cardwell (Trapper's Remedies, Inc.). Plea of guilty. Fine, \$10. (F. D. C. No. 8738. Sample No. 85673-E.)

On February 1, 1943, the United States attorney for the District of Idaho filed an information against Cecil James Cardwell, trading as Trapper's Remedies, Inc., Weiser, Idaho, alleging shipment on or about April 15, 1942, from the State of Idaho into the State of Washington of a quantity of the above-named product.

Analysis disclosed that the article consisted essentially of ground, woody material not classified as to specific identity.

The article was alleged to be misbranded because of false and misleading statements in its labeling which represented and suggested that the article would be efficacious in the cure, mitigation, treatment, or prevention of sinus disease, hay fever, nasal discharges, nasal catarrh, headache, colds, sore throat, coughs, influenza, trench mouth, and other diseases of the mouth, acid stomach, ulcers of the stomach, colitis, pain and vomiting, indigestion, and dyspepsia; that it would be efficacious to increase body weight, improve the circulation, bring color to the face, and improve the appetite and disposition, overcome nervousness, and make one less irritable and grouchy; and that it would be efficacious in the treatment of toothache, pinworms, mashed fingers, or burns, and would rid the blood stream of disease germs and build up resistance.

On September 22, 1943, the defendant entered a plea of guilty, and the court imposed a fine of \$10.

1122. Misbranding of Ademo Tablets. U. S. v. 70 Dozen Bottles of Ademo Tablets (and 1 other seizure action against the same product). Decrees of condemnation. Portion of product ordered destroyed and remainder ordered released under bond for relabeling. (F. D. C. Nos. 10221, 11785. Sample Nos. 31063-F, 76304-F.)

On July 14, 1943, and February 15, 1944, the United States attorneys for the Western District of Washington and the Southern District of New York filed libels against the following quantities of Ademo Tablets which were packed in 42-tablet, 150-tablet, and 300-tablet bottles: 70 dozen bottles at Seattle, Wash., and 361 $\frac{5}{6}$ -dozen bottles at New York, N. Y.; alleging that the article had been shipped from on or about March 2 to June 8, 1943, by the Ademo Corporation of America, Los Angeles, Calif.; and charging that it was misbranded. The article was labeled in part: "Formulated from the Active Principle of Violet Ray Treated (Red Blood Cell Building) fraction of Desiccated, Raw Liver Extractive, Iron, Special Type Yeast, Concentrated Hemoglobin (Blood Powder), Milk Whey, Chlorophyll, Plus the following for each 6 tablets: H. P. Thiamin (B-1) . . . 1200 I. U. H. P. Riboflavin (B-2) . . . 3000 Micrograms Niacin . . . 10,000 Micrograms Iron . . . 20.24 Milligrams. Also minerals containing trace elements of Calcium, Chlorine, Magnesium, Sulphur, Potassium, Phosphorus and Pantothenic Acid as Naturally found in Yeast and Liver."

Examination and assays disclosed that the article was essentially of the composition stated on its label.

The New York lot was alleged to be misbranded in that the following statements on its label and on the display card accompanying the article: "Don't Let 'Blood Deficiency' Keep You Rundown . . . Always Tired . . . Half Alive! Amazing New 3 Way Method Helps Build Rugged Red Blood! * * * [Picture of man and woman in vibrant health] Don't Ration Yourself on Blood—if you want Strength, Energy, Vibrant Health!" were false and misleading since the article would not build rugged red blood, or insure strength, energy, and vibrant health.

The article in the Washington lot was alleged to be misbranded because of false and misleading statements on the labels on display cartons entitled "Amazing New 3 Way Method Helps Build Rugged Red Blood!" and in circulars entitled "Now More Than Ever You Need Powerful Rugged Red Blood!" which accompanied the article, and which represented and suggested that it would build rugged red blood, insure strength, energy, vibrant health, and prevent and correct nutritional anemia, weak blood, lustreless eyes and colorless cheeks, tiredness, rapid heart beat, infections, muscular weakness, neuritis, sluggishness, nerve disease, loss of vitality, beriberi, brittle nails, dry, scaly skin, depression, loss of body weight, intestinal disorders, improper lactation, pellagra, malnutrition, irritability, digestive disorders, diarrhea, gingivitis, mental strain, nervousness, loss of gloss to the hair, premature aging, dermatitis (skin disease), partial deafness, fissures around the corners of the mouth, and unnaturally red lips and tongue.

Both lots were also alleged to be misbranded under the provisions of the law applicable to foods, as reported in the notices of judgment on foods.

On November 8, 1943, no claimant having appeared for the product in the Washington lot, judgment of condemnation was entered and the product, including all display cartons and circulars, was ordered destroyed. On May 22, 1944, Balanced Foods, Inc., New York, N. Y., claimant, having admitted the allegations of the libel against the New York lot, judgment of condemnation was entered and the product in that lot was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

1123. Misbranding of vitamin tablets. U. S. v. 102 Bottles of Curley Cal-Pans Vitamins and 102 Bottles of Curley Bu-T-Caps Vitamins. Default decree of condemnation and destruction. (F. D. C. No. 10013. Sample Nos. 20488-F, 20489-F.)

On May 27, 1943, the United States attorney for the District of Massachusetts filed a libel against 102 bottles of Curley Cal-Pans Vitamins and 102 bottles of Curley Bu-T-Caps Vitamins, each bottle containing 30 tablets, at Boston, Mass., alleging that the articles had been shipped on or about April 21, 1943, from Philadelphia, Pa., by the Curley Distributing Co.; and charging that they were misbranded. The articles were labeled in part: (Cal-Pans) "Calcium Pantothenate 10 Mgm. each"; (Bu-T-Caps) "Vitamin A . . . 5,000 USP Units Vitamin D (Viosterol) . . . 1,000 USP Units Vitamin C (Ascorbic Acid) . . . 500 USP Units Vitamin B₁ (Thiamin Chloride) . . . 500 USP Units Vitamin B₂ (Riboflavin) . . . 1,000 Gamma Vitamin B₆ (Pyridoxine) . . . 200 Gamma Calcium Pantothenate . . . 1,000 Gamma Nicotinic Acid . . . 20 Mgm."

The Cal-Pans Vitamins were alleged to be misbranded in that certain statements appearing on a display card entitled "Does Gray Hair Worry You?" and in circulars entitled "VITAMINS The Way to Health and Beauty," and "Big Profits for Beauty Shops," were false and misleading since they represented and suggested that the article was effective in preventing the graying of hair or in restoring the natural color to gray hair, whereas it was not so effective.

The Bu-T-Caps Vitamins were alleged to be misbranded because of false and misleading statements appearing on the display card and in the circulars, which represented and suggested that the article was effective in insuring good health, beauty, and good complexion, or in preventing and correcting such disease conditions or abnormalities as poor teeth, retardation of growth, skin lesions, dry and wrinkled skin, brittle nails, lifeless hair, loss of appetite, liver and kidney ailments, susceptibility to infections, boils, abscesses, night blindness, body malformation, fatigue, loss of appetite, alimentary tract disfunctions and resultant anemia, neuritis, alcoholic neuritis, beriberi and pellagra, irritability and nervousness, palpitation and enlarged heart, murmurs, difficult breathing, malnutrition, retarded convalescence, fragile bones, anemia, scurvy, and rickets.

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

On July 26, 1943, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

1124. Misbranding of DPS Formulae. U. S. v. 11 Bottles of DPS Formula 52, 16 Bottles of DPS Formula 57, 12 Bottles of DPS Formula 58, 11 Bottles of DPS Formula 61, 9 Packages of DPS Formula 66, 7 Bottles of DPS Formula 81, 25 Bottles of DPS Formula 100, 4 Bottles of DPS Formula 103, and 3 Bottles of DPS Formula 105. Default decree of condemnation and destruction. (F. D. C. No. 10098. Sample Nos. 15357-F to 15360-F, incl., 36122-F to 36126-F, incl.)

On June 25, 1943, the United States attorney for the District of Colorado filed a libel against the above-mentioned quantities of DPS Formulae at Denver, Colo., alleging that the articles had been shipped from the Dartell Laboratories, Los Angeles, Calif., from on or about March 23 to May 8, 1943; and charging that they were misbranded.

The DPS Formula 52 was labeled in part: "Ingredients: Fish Liver Oil concentrate, Soya oil containing lecithin, Wheat germ oil, mixed natural tocopherols, treated linseed oil containing the fatty unsaturates, principally linoleic and linolenic acids * * * Each perle contains not less than Vitamin A . . . 5000 U. S. P. Units. Vitamin E (a-tocopherol activity) 5000 Gammas with 200 Mg. free fatty acids of linseed oil (flaxseed oil) principally linoleic the linolenic acids." It was alleged to be misbranded in that the name "DPS