

pave the way so that diet and a health-building program would be able to work effectively toward a speedy recovery; that it would constitute an efficacious treatment for heart trouble, ulcer, kidney disease, high blood pressure, arthritis, excess acid, digestive disturbances, and acidosis; that it would be efficacious against indigestion, acid stomach, nervousness, a tired, worn-out feeling, gastritis, colitis, hemorrhoids (piles), lumbago, neuritis, bronchitis, eczema, and overweight and underweight; that Dr. Corley's Alkalizing Health Broth would be efficacious in relieving gas, acid, bloating, and various digestive conditions, and would help clear the acid from the blood and help alkalize the system; and that Dr. Corley's Garlic Tablets would be efficacious in the treatment of inflammation of the intestines and various intestinal conditions which often cause high blood pressure.

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

On November 30, 1943, the defendant entered a plea of guilty and the court imposed a total fine of \$450, distributed as follows: \$300 on the counts involving drugs, and \$150 on the counts involving foods.

**1180. Misbranding of Bio-Mineral. U. S. v. 2,000 Bottles of Bio-Mineral. Default decree of destruction. (F. D. C. No. 10067. Sample Nos. 3701-F, 3731-F.)**

On or about July 25, 1943, the United States attorney for the Western District of Missouri filed a libel against 2,000 bottles of Bio-Mineral at Kansas City, Mo., alleging that the article, which had been consigned on or about March 31 and May 13, 1943, had been shipped from Detroit, Mich., by the Bio-Mineral Products Co.; and charging that it was misbranded.

Analysis disclosed that the article contained, per teaspoonful, 179 milligrams of calcium, 51 milligrams of iron, and no iodine.

The article was alleged to be misbranded (1) in that the designation "Bio-Mineral," appearing on its label, was false and misleading since the mineral constituents in the article would not produce or maintain life; (2) in that the statements on its label, "Supplemental Minerals to Assist in the Prevention of Nutritional Mineral Deficiencies," and "One-half Teaspoonful (2½ c. c.) twice daily \* \* \* will supply the minimum adult requirements of the essential minerals excepting Calcium," were false and misleading since the article contained no phosphorus, one of the mineral constituents essential in human nutrition and in the prevention of nutritional mineral deficiencies; and (3) in that the following statement on its label: "Purpose of Excess Iron in the Bio-Mineral \*The Iron is present in approximately six times the minimum daily adult requirement. The purpose of this excess is to supply Iron in the lower intestines (colon). This Iron, reacting with the gaseous and other obnoxious sulfur bodies, tends to render them insoluble and hence fix these bodies to prevent reabsorption into the system. (\*In stating this purpose for the excess Iron present, we are attempting to explain the results so generally attained, without claiming the existence of direct scientific evidence therefor)" was misleading since any combination of iron with sulfur compounds which may be present in the lower intestines would accomplish no useful purpose in the prevention of any disease condition.

On January 11, 1944, no claimant having appeared, judgment was entered ordering that the product be destroyed.

**1181. Misbranding of Minra. U. S. v. 141 Packages and 141 Packages of Minra. Consent decree of condemnation and destruction. (F. D. C. No. 5058. Sample Nos. 55430-E, 55431-E.)**

On July 8, 1941, the United States attorney for the Western District of Washington filed a libel against 141 4-ounce packages and 141 10-ounce packages of Minra at Seattle, Wash., alleging that the article had been shipped on or about January 30, 1941, from Berkeley, Calif., by the Stayner Corporation; and charging that it was misbranded.

Examination disclosed that the article contained dextrose (approximately 45 percent), citric acid (approximately 28.5 percent), sodium and potassium bicarbonates, phosphates, calcium salts (equivalent to 0.33 percent calcium oxide), iron salts (equivalent to 0.08 percent iron), small amounts of manganese and magnesium compounds, and less than 0.001 percent of copper.

The article was alleged to be misbranded (1) in that the statement on its labels, "Contains: Calcium lactate, monobasic calcium phosphate, citric acid, copper carbonate, iron lactate, magnesium citrate, manganese acetate, potassium

bicarbonate, potassium bitartrate, sodium bicarbonate and dextrose," was misleading in the absence of a statement of the material fact that the amount of calcium supplied by the preparation, when taken as directed, was substantially less than the normal requirement for calcium; (2) in that the statements on its labels, "Fatigue: The Dextrose content of this mixture contributes to fatigue relief," "The Dextrose content of this mixture contributes to the relief of fatigue," and "1 or 2 teaspoonfuls of Minra to  $\frac{3}{4}$  glass of water when needed for \* \* \* fatigue relief," were false and misleading since the article did not constitute an adequate or appropriate means of relieving fatigue; (3) in that the statement on the labels, "composed entirely of ingredients beneficial to bodily health," was misleading since the statement created the impression that the component ingredients of the article would maintain or restore bodily health, whereas the component ingredients of the article did not constitute an adequate or appropriate means of maintaining or restoring bodily health; (4) in that the statement on its labels, "Minra aids mineral metabolism when deficiencies of the minerals supplied herein are present," was false and misleading since the article, when taken in accordance with the directions, would not supply a deficiency of calcium; and (5) in that the statements appearing in the circular entitled "Facts About Minra," which accompanied the article and which represented and suggested that the article would relieve stomach distress, ward off fatigue, develop muscles, eliminate impurities from the blood, overcome excessive acidity, increase the hemoglobin, keep the body fluids more alkaline, increase resistance to minor infections such as colds, relieve headaches and acid indigestion, give a feeling of improved well-being, make an ideal "sleep promoter," help to cool the body, build strong bones and sound teeth, prevent anemia, postpone old age, prevent brittle bones and the aches and pains of old age, cause efficient use of vitamins, and relieve nausea or "morning-sickness," were false and misleading since the article would not fulfill the promises of benefits stated and implied therein.

On August 7, 1941, pursuant to an agreement between the Stayner Corporation, claimant, and the Government, an order was entered providing for a stay in the proceedings, and on July 22, 1943, an answer was filed by the claimant denying the allegations of the libel. On January 25, 1944, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**1182. Misbranding of mineral oil. U. S. v. 84 Cases and 288 Cases of Mineral Oil (and 1 other seizure action against mineral oil). Decrees of condemnation. Product ordered released under bond for relabeling.**  
(F. D. C. Nos. 10321, 11053. Sample Nos. 42549-F, 42871-F.)

On July 29 and November 26, 1943, the United States attorneys for the Eastern and Western Districts of Washington filed libels against 84 cases, each containing 12 1-quart bottles, and 288 cases, each containing 24 1-pint bottles, of mineral oil at Seattle, Wash., and 397 cases containing 24 1-pint bottles each, 12 cases containing 12 1-quart bottles each, and 14 cases containing 4 1-gallon bottles each of mineral oil at Spokane, Wash., alleging that the article had been shipped on or about May 28 and June 7, 1943, from Butler, Pa., by the Pennsylvania Refining Co.; and charging that it was misbranded.

The article was alleged to be misbranded in that the following statements: (Bottle label) "As a Substitute For Cooking Oils \* \* \* It can be used successfully for general baking and frying purposes \* \* \* It is also useful in the preparation of Salad Dressings as a substitute for Olive or other vegetable oils," and (display banner) "Save Your Red Points!!! Use Penn-Champ Mineral Oil for general Baking and Frying Excellent for Salad Dressing," were false and misleading since they falsely implied that mineral oil has the properties of and will function in the same way as edible vegetable cooking, baking, and frying oils, and is an oil suitable for use in salad dressing; and since the labeling failed to reveal the material fact that mineral oil may absorb certain vitamins and minerals and prevent their assimilation by the body.

The article in the Spokane lot and in a portion of the Seattle lot was alleged to be misbranded further in that the statements "Contents 1 Pint," "Contents One Quart," and "One Gallon," appearing in the labeling, were false and misleading as applied to an article that was short volume; and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On September 28, 1943, the Penn-Champ Oil Corporation, Butler, Pa., claimant, having admitted the allegations of the libel against the Seattle lot, judgment of