

candy one hour before each meal and at bedtime. This dosage may be increased by taking an extra one at luncheon and dinner."

DISPOSITION: July 28, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1652. Misbranding of vitamin D capsules. U. S. v. 7 Bottles of Vitamin D capsules and a number of folders and leaflets. Default decree of condemnation and destruction. (F. D. C. No. 16068. Sample No. 4125-H.)

LABEL FILED: April 27, 1945, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: By the Battle Creek Dietetic Supply Co., from Battle Creek, Mich. The product was shipped on or about February 12 and 22, 1945, and the folders and leaflets were shipped on various unknown dates.

PRODUCT: 5 50-capsule bottles and 2 100-capsule bottles of *vitamin D capsules*, 500 folders entitled "Superb Health," and 75 leaflets entitled "Hidden Hunger" at Philadelphia, Pa. Examination showed that the capsules contained vitamin D in oil.

LABEL, IN PART: "Health House Brand Vitamin D Each capsule contains not less than 50,000 U. S. P. Units of Vitamin D."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the folders and leaflets were false and misleading since they represented and suggested that the article would be safe and effective in the treatment of arthritis, whereas the article would not be safe and effective in the treatment of arthritis; and, Section 502 (j), the article would be dangerous to health when taken in the dosage and with the frequency and duration prescribed, recommended, and suggested in its labeling, "one capsule four times daily the first month increasing one capsule daily per week up to ten capsules daily."

DISPOSITION: May 22, 1945. No claimant having appeared, judgment of condemnation was entered and the product, together with the printed matter, was ordered destroyed.

1653. Misbranding of DPS Formula 75 Vitamin Capsules. U. S. v. 18 Bottles of DPS Formula 75 Vitamin Capsules. Default decree of condemnation and destruction. (F. D. C. No. 15481. Sample No. 26542-H.)

LABEL FILED: On or about March 12, 1945, District of Colorado.

ALLEGED SHIPMENT: On or about January 22 and February 12, 1945, by the Dartell Laboratories, from Los Angeles, Calif.

PRODUCT: 18 bottles of *DPS Formula 75 Vitamin Capsules* at Denver, Colo.

LABEL, IN PART: (Bottle) "100 * * * Perles Formula 75 Each perle contains irradiated ergosterol in wheat germ oil, enclosed in a gelatin perle providing: 50,000 U. S. P. Units Vitamin D."

NATURE OF CHARGE: Misbranding, Section 502 (j), the article would be dangerous to health when used in the dosage and with the frequency and duration prescribed, recommended, and suggested in the labeling, "four perles daily * * * Four perles will provide 200,000 U. S. P. Units vitamin D."

DISPOSITION: May 14, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS

1654. Misbranding of vitamin and drug products. U. S. v. 18 Packages of Vitamin C Tablets, 8 Packages of Natural Vitamin B₂ (G) Tablets, 13 Packages of Wheat Germ Oil Capsules, 15 Packages of Natural Fruit Laxative, 5 Packages of Mode Paree Scalp Ointment, 22 Packages of Mode Paree Acne Cream, 21 Packages of American's Hair Growing Aid, 10 Packages of Miracle Cream, 26 Packages of Miracle Aid, and a number of catalogs. Default decree of condemnation and destruction. (F. D. C. No. 16073. Sample Nos. 20344-H to 20347-H, incl., 20350-H to 20355-H, incl.)

LABEL FILED: On or about May 9, 1945, Western District of Missouri.

ALLEGED SHIPMENT: By the American Beauty Products Co., from Chicago, Ill. The products were shipped between the approximate dates of October 30, 1943, and April 18, 1945, and the catalogs were shipped on or about February 10, 1945.

PRODUCT: Vitamin and drug products as set forth above, and a number of accompanying catalogs entitled "City Catalog No. 81" at Kansas City, Mo.

Examination showed that the *vitamin C tablets* contained ascorbic acid; that the *vitamin B₂ tablets* contained vitamin B₂; that the *wheat germ oil capsules* contained an oil such as wheat germ oil; that the *Fruit Laxative* contained laxative plant drugs, including an emodin-bearing drug; that the *scalp ointment* contained sulfur in an ointment base; that the *acne cream* contained oil of cade in an ointment base; that the *hair growing aid* contained oil of cade or creosote in an ointment base; that the *Miracle Cream* contained epsom salt, sodium sulfate, a stearate, water, and a small proportion of methyl salicylate; and that the *Miracle Aid* consisted of water and a small proportion of albumin.

NATURE OF CHARGE: *Vitamin C tablets*, *vitamin B₂ (G) tablets*, and *wheat germ oil*, misbranding, Section 502 (a), the following statements in the catalog were false and misleading since the products would not be of value in the conditions stated and implied: "Vitamin C For Arthritic and Rheumatic Conditions. * * * maintains normal health * * * for rheumatic fever and other fever conditions, wound healing, arthritis, anemia, infections, tuberculosis and peptic ulcer; * * * to help prevent tooth decay"; "Vitamin G (B₂) * * * Helps prevent stunting of growth in children, premature skin aging in adults and loss of hair. 10,000 micrograms daily relieves dim vision. Also contains calcium pantothenate (ANTI-GRAY HAIR FACTOR)"; "Wheat Germ Oil * * * Helps prevent miscarriage, acne, and certain skin conditions. Relieves hay fever, allergic asthma and muscular exhaustion."

Natural Fruit Laxative, misbranding, Section 502 (a), the name of the product, "Natural Fruit Laxative," was false and misleading since its laxative ingredients were not fruits, and the statement in the catalog, "Made from six tropical fruits * * * Purifies the blood," was false and misleading as applied to a product of the composition and action of this laxative. Further misbranding, Section 502 (f) (2), its labeling failed to warn that frequent or continued use of the article might result in dependence upon laxatives.

Mode Patee Scalp Ointment, misbranding, Section 502 (a), the following statements on the package and in the catalog were false and misleading since the product would not be effective in preventing loss of hair or in the treatment of eczema and disorders of the scalp or skin: (Catalog) "For Many Scalp Ailments! Relieves * * * Eczema * * * Falling Hair, Skin and other scalp ailments"; (package label) "A treatment specially formulated for loss of hair * * * eczema and other scalp disorders. * * * in treatment of scalp disorders."

Mode Patee Acne Cream, misbranding, Section 502 (a), the following statements on the package and in the catalog were false and misleading since the product would not be effective in the treatment of acne: (Catalog) "Acne Cream * * * for treating mild cases of Acne"; (package label) "Acne Cream * * * for the treatment of mild cases of Acne * * * well-regulated Acne treatment. For more severe cases of Acne"; and, Section 502 (e) (2), the label failed to bear the common or usual name of each of the active ingredients of the article.

American's Hair Growing Aid, misbranding, Section 502 (a), the following statements on the package and in the catalog were false and misleading since the product would not be effective in promoting the growth of hair or in the treatment of tetter or conditions which retard the growth of hair: (Catalog) "Hair Growing Aid Excellent for treatment of dandruff, tetter and similar scalp irritations which retard the growth of healthy, normal hair"; (package label) "Hair Growing Aid * * * Tetter, etc."; and, Section 502 (e) (2), the label failed to bear the common or usual name of each active ingredient of the article.

Miracle Cream, misbranding, Section 502 (a), the following statements on the package and in the catalog were false and misleading since the product would not bring about a reduction in weight: (Catalog) "Hips, Hips Away—or Any Other Part of the Anatomy * * * Miracle Slenderizing Cream * * * for Spot Reducing Recommended by Reputable Physicians * * * Testimonial letters prove that some women have lost as much as 4½ inches in their abdomen in 3 weeks . . . 3 inches in hips in 2 weeks. One inch in thighs in one week! One inch in a double chin in one week"; (package label) "An Aid for Reducing."

Miracle Aid, misbranding, Section 502 (a), the following statements on the package and in the catalog were false and misleading since the product would not remove wrinkles and double chin: (Catalog) "Wrinkles and Double Chin Vanish with Miracle Aid Lotion * * * you feel a gentle tightening effect on the expression wrinkles and chin line. It is very effective if left on over night"; (package label) "For Wrinkles and Double Chin * * * Apply by patting with finger tips, on wrinkles and double chin."

DISPOSITION: June 26, 1945. No claimant having appeared, judgment of condemnation was entered and the products and catalogs were ordered destroyed.

1655. Misbranding of Dismuke's Pronto-Lax, Dismuke's Famous Mineral Crystals, Famous Residuum, Dismuke's Nose Spraying Solution, and Dismuke's Eye Bath. U. S. v. 40 Bottles of Dismuke's Pronto-Lax, etc. Default decree of condemnation and destruction. (F. D. C. No. 16348. Sample Nos. 21861-H to 21865-H, incl.)

LIBEL FILED: June 23, 1945, Western District of Tennessee.

ALLEGED SHIPMENT: By the Famous Mineral Water Co., from Mineral Wells, Tex. The articles of drug were shipped on or about January 14 and April 3, 1945, and the circulars were shipped in December 1944.

PRODUCT: 40 bottles of *Dismuke's Pronto-Lax*, 6 boxes of *Dismuke's Famous Mineral Crystals*, 3 bottles of *Famous Residuum*, 4 bottles of *Dismuke's Nose Spraying Solution*, 6 bottles of *Dismuke's Eye Bath*, and 500 white circulars entitled "Dismuke's Famous Mineral Water at the sign of the Old Mill" and 10 yellow circulars entitled "The Original and Genuine Famous Mineral Crystals," at Memphis, Tenn.

Examination showed that the *Pronto-Lax* consisted essentially of water and sodium sulfate, with small proportions of salt, sodium carbonate, sodium bicarbonate, and magnesium chloride; that the *mineral crystals* consisted essentially of sodium sulfate with small proportions of salt and sodium carbonate; that the *Residuum* consisted essentially of water, salt, sodium sulfate, sodium carbonate, and sodium nitrite; that the *nose spraying solution* consisted essentially of water, salt, sodium sulfate, sodium carbonate, and sodium nitrite; and that the *eye bath* consisted essentially of water, salt, sodium sulfate, and sodium carbonate.

NATURE OF CHARGE: *Pronto-Lax*, misbranding, Section 502 (a), certain statements in the white circulars were false and misleading in that they represented and suggested that the article had been endorsed by the Food and Drug Administration; that it was a non-habit-forming laxative; that it was effective as a tonic; that it was effective to eliminate acid, waste, and toxic poisons from the system; and that it was effective in the treatment of diabetes, enlarged liver, carbuncles, stomach trouble, mucous colitis, sciatic rheumatism, constipation, stomach ulcers, and auto-intoxication. The article had not been endorsed by the Food and Drug Administration; it was a habit-forming laxative; and it was not effective for the symptoms, conditions, and diseases stated and implied. Further misbranding, Section 502 (f) (2), the article was essentially a laxative and its labeling failed to warn that frequent and continued use might result in dependence upon laxatives.

Mineral crystals, misbranding, Section 502 (a), certain statements in the yellow circulars were false and misleading since they represented and suggested that the article would purify the system by flushing the intestinal tract; that it would often be beneficial after excessive eating or drinking; and that it would prove beneficial in treating acid stomach, colds, headaches, biliousness, indigestion, constipation, bad complexion, rheumatism, arthritis, neuritis, high blood pressure, and diabetes. The article would not be effective in the treatment of the conditions stated and implied. Further misbranding, Section 502 (a), the label statement, "Contents: Sodium Sulphate, Sodium Chloride, Magnesium Sulphate, Magnesium Carbonate, Calcium Carbonate, Iron and Aluminium Oxides," was misleading since it failed to reveal the material fact that sodium sulfate was the only active ingredient; and, Section 502 (f) (2), the article was essentially a laxative and its labeling failed to warn that frequent and continued use might result in dependence upon laxatives.

Residuum, misbranding, Section 502 (a), certain statements on the bottle label and in the white circulars were false and misleading since they represented and suggested that the article would be effective in the treatment of cuts, sores, burns, eczema, rash, poison ivy, indigestion, gastric ailments, acid