

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements and the design of a man in pain appearing in the circular entitled "Facts Everyone Should Know About," enclosed in the combination packages of the articles, were false and misleading since they represented and suggested that the articles would be effective in the treatment of rheumatism, arthritis, backache, swollen joints, lumbago, neuritis, rheumatic pains, and stiff joints; that they would be effective as an analgesic to get at the main cause of so-called rheumatism; and that they would be effective in the treatment of the suffering and discomfort associated with common colds. The articles would not be effective for those purposes.

DISPOSITION: March 1, 1946. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

1735. Misbranding of Laken's 9 Drops Capsules and Liquid. U. S. v. 32 Packages of Laken's 9 Drops Capsules and Liquid. Default decree of condemnation and destruction. (F. D. C. No. 18632. Sample No. 4889-H.)

LABEL FILED: On or about December 11, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about October 29, 1945, by Smith, Kline and French, Inc., from Philadelphia, Pa.

PRODUCT: 32 packages of *Laken's 9 Drops Capsules and Liquid* at Haddon Heights, N. J. The composition of these products was identical with, and they were misbranded in the same respect as, the products reported in the preceding notice of judgment, No. 1734.

DISPOSITION: March 1, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

1736. Misbranding of Frencos's Pap-Tabs, Papaya Tooth Powder, and Papain Powdered Absolute. U. S. v. 127 Cartons of Frencos's Pap-Tabs, 285 Cartons of Frencos's Papaya Tooth Powder, and 23 Cartons of Frencos's Papain Powdered Absolute. Default decrees of condemnation and destruction. (F. D. C. Nos. 17653, 17654. Sample Nos. 29949-H to 29951-H, incl.)

LABELS FILED: October 15 and 17, 1945, Northern District of California.

ALLEGED SHIPMENT: Between the approximate dates of March 23 and August 13, 1945, by the Frenco Laboratories, from Nogales, Ariz.

PRODUCT: 127 cartons of *Frencos's Pap-Tabs* and 285 cartons of *Frencos's Papaya Tooth Powder* at Oakland, Calif.; and 23 cartons of *Frencos's Papain Powdered Absolute* at San Francisco, Calif.

Analyses disclosed that the *Pap-Tabs* consisted essentially of bismuth, calcium, and magnesium compounds, including carbonates, papain, and starch; that the *tooth powder* consisted essentially of sodium, calcium, and magnesium carbonates and chlorides, papain, starch, and soap; and that the *Papain Powdered Absolute* consisted essentially of papain.

NATURE OF CHARGE: *Pap-Tabs*, misbranding, Section 502 (a), the label statement, "Contains * * * Calcium, Magnesium, Kaolin, Bismuth," was false and misleading since the article contained no kaolin, and it did not contain calcium, magnesium, and bismuth as such but contained compounds of those minerals. In addition, certain statements in the circulars entitled "Frenco Laboratories of Nogales" and "Frenco Pap-Tabs," which were shipped with the article, were false and misleading since they represented and suggested that the article would be effective as a digestant; and that it would be effective in the treatment of digestive disorders, sea-, air-, car-, and train-sickness, and alcoholism. The article would not be effective for such purposes. Further misbranding, Section 502 (e) (2), the article failed to bear the common, or usual name of each active ingredient.

Tooth powder, misbranding, Section 502 (a), certain statements on the carton and in the circular entitled "Frenco Laboratories of Nogales" were false and misleading since they represented and suggested that the article would be effective in digesting foreign materials present in the mouth; and that it would be effective in the treatment of pyorrhea and sore gums. The article would not be effective for such purposes.

Papain Powdered Absolute, misbranding, Section 502 (a), the following statements on the carton containing the article were false and misleading since papain is not capable of accomplishing the results stated and implied, and it is not a rich source of protein and vitamins: "Papain is a food that

digests food. It is high in protein. Papaya is strong in Vitamin A as well as B, C and D. It also has recently been discovered to contain some G * * * Frencos Powdered Papain is an excellent specific in most cases of gastric distress, and also indicated in general dyspeptic ailments. * * * Added to milk for those who have difficulty in digesting, will give excellent results. * * * It is sometimes used in face creams as a * * * blemish remover * * * tonic."

DISPOSITION: November 21, 1945. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

1737. Misbranding of Min-E-Vita. U. S. v. 11 Cartons of Min-E-Vita and a number of leaflets, booklets, and display cards. Default decree of condemnation and destruction. (F. D. C. No. 18241. Sample No. 25115-H.)

LIBEL FILED: On or about November 9, 1945, Northern District of Texas.

ALLEGED SHIPMENT: On or about May 21, 1945, by Helios Foods, Inc., from Chicago, Ill.

PRODUCT: 11 cartons of *Min-E-Vita*, 11 leaflets entitled "Why Min-E-Vita?" and 111 booklets and 35 display cards entitled "Min-E-Vita versus Gray Hair," at Dallas, Tex.

LABEL, IN PART: "Min-E-Vita * * * 30 Mineral Tablets * * * Calcium Phosphorus Iron—Sodium Potassium Aluminum Copper—Iodine Magnesium Manganese * * * 30 Vitamin Capsules * * * Each Capsule Contains Not Less Than: Vitamin A—5000 U. S. P. Units Vitamin B₁—333 U. S. P. Units Vitamin C—600 U. S. P. Units Vitamin D—500 U. S. P. Units Vitamin B₂—G—1,000 Gammas-Riboflavin Vitamin E—2 Minims Wheat Germ Oil Plus 10 Milligrams Calcium Pantothenate Anti-Gray Hair Vitamin."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label of the article and in the accompanying leaflets, booklets, and display cards were false and misleading since they represented and suggested that the article would be effective to restore the original color to gray hair, to insure health and vitality, to build resistance to disease, and to provide essential minerals not readily and easily available from common foods; and that it would be effective in the treatment and prevention of low resistance, frequent colds, hay fever, asthma, pimples, acne, eczema, hyperacidity, acidosis, arthritic conditions, general debility, painful, difficult menstruation, insomnia, nervous disorders, waning sexual vigor, listlessness, fatigue, and digestive and heart disorders. The article would not be effective for those purposes.

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.

DISPOSITION: December 20, 1945. No claimant having appeared, judgment of condemnation was entered and the product, together with the printed matter, was ordered destroyed.

1738. Misbranding of Kia-Spa Mineral Bath, Kia-Fem Modern Feminine Hygiene, and Kia-Oro Mouth Wash. U. S. v. 20 Bottles of Kia-Spa Mineral Bath, 1 Bottle of Kia-Fem Modern Feminine Hygiene, and 7 Bottles of Kia-Oro Mouth Wash. Default decree of condemnation and destruction. (F. D. C. No. 18165. Sample Nos. 32246-H, 32248-H, 32249-H.)

LIBEL FILED: November 13, 1945, District of Arizona.

ALLEGED SHIPMENT: On or about April 2 and July 3, 1945, by the Kia-Min Laboratories, from Los Angeles, Calif.

PRODUCT: 13 32-ounce bottles and 7 64-ounce bottles of *Kia-Spa Mineral Bath*, 1 8-ounce bottle of *Kia-Fem Modern Feminine Hygiene*, and 7 8-ounce bottles of *Kia-Oro Mouth Wash* at Glendale, Ariz., together with a number of circulars entitled "Man's Rightful Heritage."

Analyses disclosed that all products consisted of water and an iron compound, very small proportions of calcium, aluminum, and magnesium compounds, with traces of phosphates and iodides.

NATURE OF CHARGE: Misbranding, Section 502 (a), the statements on the labels of the articles, "Contains The Following Ingredients: Sulphate Chloride Sodium Phosphoric Acid Iron Silica Alumina Iodine Magnesium Manganese Potassium Calcium," were misleading since they failed to reveal the material fact that the articles did not contain a significant proportion of any