

**ALLEGED SHIPMENT:** On or about April 12 and June 11, 1943, by Hardy, Newman & Co., from Chicago, Ill.

**PRODUCT:** 85 gross of *prophylactics* at Great Falls, Mont. Examination of samples showed that 3.7 percent were defective in that they contained holes.

**LABEL, IN PART:** "Texide."

**NATURE OF CHARGE:** Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the label statement "For Prevention of Disease" was false and misleading as applied to an article which contained holes.

**DISPOSITION:** May 15, 1946. Default decree of condemnation and destruction.

**2279. Adulteration and misbranding of prophylactics. U. S. v. 49 Gross \* \* \*.**  
(F. D. C. No. 21097. Sample No. 49695-H.)

**LIBEL FILED:** September 23, 1946, Western District of Texas.

**ALLEGED SHIPMENT:** On or about August 29, 1946, by the Dean Rubber Manufacturing Co., North Kansas City, Mo.

**PRODUCT:** 49 gross of *prophylactics* at San Antonio, Tex. Examination of samples showed that 3.7 percent were defective in that they contained holes.

**LABEL, IN PART:** "Economy Package No. 16 Reservoir Ends 1 Gross 12's Peacock."

**NATURE OF CHARGE:** Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the label statements "Scientifically Tested. Guaranteed against deterioration for two years. For your protection" were false and misleading as applied to an article containing holes.

**DISPOSITION:** May 8, 1947. Default decree of forfeiture and destruction.

## DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS\*

### DRUGS FOR HUMAN USE

**2280. Misbranding of Sanford's Garlic with Parsley Tablets, Improved Formula Super Potency Calcium Pantothenate Pan-A-Plex Paramino Benzoic Acid and High B-Complex Tablets, Super Potency Aller-Cedic (Improved) Capsules, Super Potency Nura-Plex Special Formula No. 10 Capsules, Arthadex Capsules, Hebron Tablets, and Super Potency Ultra Hy "E" Capsules. U. S. v. The Vitamin Store of Iowa and Milton S. Frankle. Pleas of guilty. Total fines, \$250 and costs. (F. D. C. No. 21432. Sample Nos. 18275-H to 18280-H, incl., 18282-H, 18284-H.)**

**INFORMATION FILED:** February 6, 1947, Southern District of Iowa, against the Vitamin Store of Iowa, a partnership, Des Moines, Iowa, and Milton S. Frankle, a partner.

**ALLEGED SHIPMENT:** Between the approximate dates of February 21, 1944, and August 21, 1945, from the States of Ohio, Minnesota, and Illinois, into the State of Iowa.

**ALLEGED VIOLATION:** Between the approximate dates of February 21, 1944, and September 19, 1945. The Vitamin Store of Iowa, and Milton S. Frankle, while holding the above-named drugs for sale after shipment in interstate commerce, caused to be prepared and printed a number of circulars entitled "Vitamin Deficiencies" and "Aller-Cedic" and caused one or both of the said circulars to accompany each of said drugs, which acts resulted in the misbranding of the drugs.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in the circulars "Vitamin Deficiencies" and "Aller-Cedic" were false and misleading. These statements represented and suggested:

That the *Sanford's Garlic with Parsley Tablets* would be efficacious in the treatment of high blood pressure;

That the *Improved Formula Super Potency Calcium Pantothenate Pan-A-Plex Paramino Benzoic Acid and High B-Complex Tablets* would be efficacious to improve the life and lustre of hair, to restore the hair color, to make finger-

\*See also Nos. 2252, 2253, 2255, 2257, 2260, 2261, 2270-2272, 2276-2279.

nails stronger, to benefit the nervous and digestive systems, and to contribute to energy, vitality, and general good health;

That the *Super Potency Aller-Cedic (Improved) Capsules* would be efficacious in the treatment of hay fever, asthma, rose fever, food allergies, hives, and sinus and bronchial trouble;

That the *Super Potency Nura-Plex Special Formula No. 10 Capsules* would be efficacious in the treatment of arthritis pains, neuritis pains, rheumatic pains, constipation, fatigue, nervousness, backaches, bleeding gums, and sciatica;

That the *Arthradex Capsules* would be efficacious in the treatment of arthritis;

That the *Hebron Tablets* would be efficacious to supply new zest and vitality;

And that the *Super Potency Ultra Hy "E" Capsules* would be efficacious in the treatment of sore backs, aching limbs, muscle inflammation, and bursitis (primary fibrositis); that it would be a factor for healthy muscle; and that it would be of value to the reproductive processes.

The products would not be efficacious for the purposes represented and suggested.

**DISPOSITION:** April 28, 1947. A plea of guilty having been entered on behalf of the corporation and Milton S. Frankle on all 8 counts, each defendant was fined \$25 on counts 1 and 2 and \$12.50 on counts 3 to 8, inclusive, a total fine of \$250, plus costs.

**2281. Misbranding of Sulgly-Minol. U. S. v. Walter W. Gramer. Plea of guilty. Defendant given deferred sentence and placed on probation for 30 days. (F. D. C. No. 21459. Sample Nos. 19338-H, 50750-H.)**

**INFORMATION FILED:** March 6, 1947, District of Minnesota, against Walter W. Gramer, Minneapolis, Minn.

**ALLEGED SHIPMENT:** On or about January 19 and 24, 1946, from the State of Minnesota into the States of Iowa and Wisconsin.

**PRODUCT:** Analysis disclosed that the product consisted essentially of an alkaline solution of lime and sulfur, together with a small amount of glycerin.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the label statement "Recommended as an aid for the relief of arthritic and rheumatic pains" was false and misleading, since the article would not be efficacious as an aid for the relief of arthritic and rheumatic pains.

**DISPOSITION:** November 3, 1947. A plea of guilty having been entered, the court disposed of the case by imposition of a deferred sentence and by placing the defendant on probation for 30 days.

**2282. Misbranding of Sul-Ray Colloidal Sulphur Mineral Baths. U. S. v. 80 Packages \* \* \* and a number of placards. (F. D. C. No. 16044. Sample No. 2859-H.)**

**LABEL FILED:** On or about April 18, 1945, District of Columbia.

**PRODUCT:** *Sul-Ray Colloidal Sulphur Mineral Baths*. 80 packages of the product were offered for sale in the District of Columbia by the Vita Health Food Co., Washington, D. C., and a number of placards entitled "Relief from Body Aches and Pains" accompanied this product. Examination indicated that the product consisted essentially of sodium sulfate, carbonate, phosphate, borax, and sulfur.

**LABEL, IN PART:** "Sul-Ray Colloidal Sulphur Mineral Baths \* \* \* Sante Chemical Co. N. Y."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements on the placards and in a leaflet entitled "Sul-Ray Colloidal Sulphur Mineral Baths" enclosed with the article were false and misleading, since they represented and suggested that the article would be effective in bringing the world's great mineral baths into one's home; that it would be effective to bring relaxation and relief from aches, pain, and itching; that it would be effective in the treatment of rheumatism, arthritis, neuritis, gout, lumbago, sciatica, and generalized skin conditions; that it would stimulate circulation; that it would refresh and revitalize and bathe away aches, pains, and fatigue; that it would aid in eliminating body odor; that it would, if used frequently and for long periods, remedy stubborn cases of long standing; that it would insure deep, refreshing sleep if used before retiring; that sulfur is a remedy for diseases generally; and that colloidal sulfur would penetrate the skin. The article would not fulfill the promises of benefit stated and implied by such statements.