

whether acute or of long standing; that they would restore the prostate glands to a normal state of vigor and vitality and would eliminate the need for an operation on those glands; that they would purify and improve the quality and the quantity of the blood; that they would restore the normal functioning of the organs and the nervous system; that they would produce healthy bodies and would enable the body to get rid of accumulated poisons and acids in the system; that they would enable the body to throw off any disease with which it was inflicted; that they would be beneficial in the treatment of arthritis, and when combined with vitamins would produce wonders in the system; that they would enable one to regain health and would cause one to retain health; that they would be efficacious in the correction of poor teeth, bone diseases, deformities, lack of energy, lowered vitality, Bright's disease, tuberculosis, colds, lowered resistance, swollen and enlarged glands, bunions, inflammatory conditions, patches of grayish white and membranous substances in the throat, skin discharges and eruptions, stuffy colds, dark brown circles under the eyes, pain accompanied by swelling, thick white coating on the tongue, sluggish liver, sick headache, belching, deafness with crackling noises, and deep barking cough; that they would prevent eruptive diseases in early childhood; that they would create and maintain cell life in the structures of the nerves and brain; that they would be efficacious in the correction of nervous debility, neuralgia, nervous headache, hysteria, melancholia, excessive shyness, liability to faint, irregular pulse, palpitation of the heart, undue sensitiveness to noises, inability to concentrate, irritability, sleeplessness, mania, cramps, nerve pains, constipation from spasmodic nervousness, twitching muscles, mental illusions, dyspepsia with gas, hiccoughs, stuttering, and many other painful conditions; that they would control waste matter such as pus, perspiration, and excess water; that they would prevent infections, rheumatism, arthritis, gallstones, hay fever, sinus trouble, and diabetes; that they would neutralize acids and keep the lime in solution; that they would be beneficial in the treatment of pimples, boils, carbuncles, styes, and abscesses; that they would eliminate every ache and pain and would insure perfect bodily functioning; that they would be beneficial in the treatment of asthma; that they would restore normal alkalinity to the body; that they would eliminate disease regardless of its name, whether it was chronic or acute; that they would build up greater resistance to disease and senility; that they would correct disturbed mineral balance; that they would be beneficial in the treatment of ulcers, neuritis, and kidney and intestinal troubles; that they would insure abundant health and would provide abundant energy; that they would activate and revive glands and would remove waste matter and poisons from the tissues of the blood stream; and that they would destroy disease of every organ of the body. The articles, when used alone or in conjunction with each other, would not be effective for the purposes so represented.

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

DISPOSITION: December 5, 1946. Pleas of guilty having been entered, the partnership was fined \$500 and the individual defendant was fined \$100.

2337. Misbranding of Nu-Youth Hormone Creme. U. S. v. 1,945 Jars * * *.
(F. D. C. No. 23885. Sample No. 2610-K.)

LIBEL FILED: November 4, 1947, District of Columbia.

ALLEGED SHIPMENT: On or about August 23, 1947, by Kathryn, Inc., from Chicago, Ill.

PRODUCT: 1,945 1½-ounce jars of *Nu-Youth Hormone Creme* at Washington, D. C.

LABEL, IN PART: "Nu-Youth Hormone Day or night Creme."

NATURE OF CHARGE: Misbranding, Section 502 (a), the term "Nu-Youth" was false and misleading, in that it suggested that the article would be effective in renewing the attributes of youth in the mature user, whereas it would not be effective for that purpose; and the label statements "Contains 7,500 international units (per ounce) of Gynestrol (Trade Mark) natural estrogen (estrone-estrodial-equilin-equilin) [female hormones]" was false and misleading, since the potency of the article was equivalent to not more than 1,500 International Estrone Units per ounce.

DISPOSITION: December 30, 1947. Default decree of condemnation. The product was ordered delivered to a public institution for the use of that institution.

2338. Misbranding of Viavi Capsules, Viavi Liquid, and Viavi Emulsion. U. S. v. 75 Packages, etc. (F. D. C. No. 20557. Sample Nos. 42020-H to 42022-H, incl.)

LIBEL FILED: July 22, 1946, District of Columbia.

PRODUCT: 575 packages of *Viavi Capsules*, 900 bottles of *Viavi Liquid*, and 100 bottles of *Viavi Emulsion*, which were in interstate commerce in the District of Columbia, in the possession of the Eastern Viavi Co., Washington, D. C.

LABEL, IN PART: "Viavi Capsules * * * Contains actively, Viavi (specially prepared Hydrastine, Berberine, Canadine), Oxyquinolin Benzoate, Tannin," "Viavi Liquid Contains actively, Viavi (specially prepared Hydrastine, Berberine, Canadine), Tincture Capsicum, Poke Root, Glycerine," or "Viavi Emulsion * * * Contains actively, Mineral Oil, Hydrastine and Berberine in Extract of Hydrastis, Colloidal Kaolin."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the labels of the articles and in accompanying booklets entitled "How to Use Viavi," "What Viavi Is," "The Truth About Laxatives," "Are You on the Borderline," and "A Helping Hand to Health" were false and misleading. These statements represented and suggested that *Viavi Capsules* and *Viavi Liquid* were effective to relieve congestion and establish better circulation in mucous membranes; that *Viavi Capsules* were effective to relieve congested conditions of pelvic mucous membranes and adjacent tissues; that *Viavi Liquid* was effective to relieve dullness of hearing due to a catarrhal type of congestion in the ear or relieve profuse secretion, congestion, and soreness through the pelvic region; and that *Viavi Emulsion* was effective to soothe the irritated colon membranes and remove or destroy bacterial poisons and irritants from the intestines. The articles were not effective for the purposes represented.

DISPOSITION: The Eastern Viavi Co., claimant, having applied for removal of the case for trial to the Eastern District of Wisconsin, an order was entered on September 10, 1946, directing such removal. On April 5, 1948, the claimant having consented to an entry of a decree, judgment of condemnation was entered and the products were ordered released under bond for relabeling under the supervision of the Federal Security Agency.

2339. Misbranding of sassafras root bark. U. S. v. 20 Cartons * * *. (F. D. C. No. 21040. Sample No. 53043-H.)

LIBEL FILED: September 24, 1946, Northern District of Ohio.

ALLEGED SHIPMENT: On or about March 30, 1946, By C. Lee Tea Co., from Huntington, W. Va.

PRODUCT: 20 cartons, each containing 25 1/2-ounce packages, of sassafras root bark at Akron, Ohio.

LABEL, IN PART: "Red Sass-Frass Tea."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the labels of the article and in a circular enclosed with the article were false and misleading, since they represented and suggested that the article was effective to maintain health and would be effective in the treatment, prevention, and cure of ague, colds, scurvy, chronic rheumatism, skin disease, and syphilis. The article would not be effective for such purposes.

DISPOSITION: December 11, 1947. The C. Lee Tea Co. having filed an answer, but having failed to appear at the trial of the case, judgment of condemnation was entered and the product was ordered destroyed.

2340. Misbranding of Egyptian Herb Tea. U. S. v. 59 Boxes * * * and 1,500 Circulars. (F. D. C. No. 23681. Sample No. 89530-H.)

LIBEL FILED: September 9, 1947, District of South Dakota.

ALLEGED SHIPMENT: On or about May 27, 1947, by the Egyptian Tea Co., from Akron, Ohio.

PRODUCT: 59 2-ounce boxes of *Egyptian Herb Tea* at Huron, S. Dak., together with 1,500 circulars entitled, "Egyptian Herb Tea A Natural Laxative." Examination showed that the product consisted essentially of plant material, including a laxative drug such as senna.