2480. Misbranding of Prostall. U. S. v. 79 Bottles, etc. (F. D. C. No. 23649. Sample Nos. 29679-H, 62855-H.)

LIBEL FILED: September 9, 1947, Northern District of California.

ALLEGED SHIPMENT: On or about June 25 and August 8, 1947, by Douglas Laboratories, from Boston, Mass.

PRODUCT: 79 100-capsule bottles of *Prostall* at San Francisco, Calif., together with 120 leaflets entitled "The Story of Prostall." Analysis indicated that the product consisted essentially of glutamic acid.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label of the article and in the leaflets were false and misleading, since they represented and suggested that the article was effective in the relief of pain and prostate hypertrophy, whereas the article would not be effective for such purposes.

DISPOSITION: February 27, 1948. Default decree of condemnation and destruction.

2481. Misbranding of Gramer's Sulgly-Minol. U. S. v. 100 Bottles, etc. (F. D. C. No. 24921. Sample No. 24582-K.)

LIBEL FILED: June 30, 1948, Western District of Wisconsin.

ALLEGED SHIPMENT: The product was shipped on or about April 16, 1948, and a number of circulars were shipped on or about May 15, 1948, from Minneapolis, Minn., by Walter W. Gramer.

PRODUCT: 100 4-ounce bottles of *Gramer's Sulgly-Minol* at Eau Claire, Wis., together with 100 circulars entitled "Arthritis Its Grip Broken" and 100 circulars entitled "A Light Should Not Be Hidden." Analysis indicated that the product consisted essentially of a lime and sulfur solution with a small amount of glycerin.

LABEL, IN PART: "Gramer's Sulgly-Minol."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label of the article and in the circulars were false and misleading, since they represented and suggested that the article was effective in the relief and treatment of arthritis, muscular pains, rheumatism, stiffness and soreness in the legs and knees, athlete's foot, boils, and acne, whereas the article would not be effective for the purposes represented.

DISPOSITION: August 9, 1948. Default decree of forfeiture and destruction.

2482. Misbranding of Paracelsus. U. S. v. 108 Cans, etc. (F. D. C. No. 23657. Sample Nos. 69018-H, 70034-H.)

LIBEL FILED: September 25, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: By the American Biochemical Corp., from Cleveland, Ohio. The product was shipped on or about June 10 and August 6, 1947, and a number of printed folders were shipped on or about March 31 and August 4, 1947.

PRODUCT: 108 1-pound, 5-ounce cans, of *Paracelsus* at Chicago, Ill., together with a number of printed folders entitled "Paracelsus Its Origin What It Is Comments." Analysis disclosed that three-fourths of a level teaspoonful of the product contained 58 milligrams of calcium, 127 milligrams of phosphorus, 0.54 milligram of iron, and 0.47 milligram of iodine. These quantities were about one-half the amounts of calcium, phosphorus, and iron, and more than five times the amount of iodine, represented by the labeling as present in the product.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label of the article were false and misleading, since they represented and suggested that the article if taken as directed would supply the given percentages of calcium, phosphorus, iron, and iodine stated, whereas the article would supply materially less calcium, phosphorus, and iron, and materially more iodine than stated.

Further misbranding, Section 502 (a), certain statements in the folders were false and misleading, since they represented and suggested that the article when consumed as directed would supply the mineral requirements of a healthy 150-pound man; that it would contribute substantially to the health of the consumer; that its use would maintain the alkali reserve and prevent trouble developing from an acid condition; that its use would insure

against insufficiency of mineral salts and an attendant rise in acidity; that it would supply minerals deficient in food because of loss in cooking and in fruits and vegetables grown upon depleted soil; that its use would produce results comparable to those obtained at mineral springs; that its use would prevent or remedy illness caused by mineral deficiency; that it would be effective in the building of bones, teeth, and other hard parts of the body; that by reason of its iron and copper content it would enable the blood to carry oxygen; that by acting as a catalyst it would help digestion; that it would supply the minerals necessary for cell-building purposes; that when taken as directed it would supply the following percentages of daily requirements for persons: "Calcium 15% for those over one year of age, 7.5% for pregnant or lactating women Phosphorus 30% for those over one year of age, 15% for pregnant or lactating women Iron 20% for those over one year of age, 15% for those over six years of age, 10% for pregnant or lactating women"; that it was of nutritional value by reason of its content of lithium, manganese, magnesium, sulfur, chlorine, sodium, potassium, silica, and copper; that it would adequately supplement the diet with respect to certain minerals of which deficiencies often exist; that mineral supplements to the normal diet are essential for perfect health; that the system can make use of minerals without vitamins, but cannot utilize vitamins without minerals; that the ingredients of the article were in a mutually balanced ratio; and that the article had the approval of physicians having a knowledge of biochemistry. The above-mentioned representations and suggestions were untrue in fact and created misleading impressions.

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

DISPOSITION: January 29, 1948. Default decree of condemnation and destruction.

2483. Misbranding of Burtone. U. S. v. 36 Cartons * * *. (F. D. C. No. 24341. Sample No. 2457–K.)

LIBEL FILED: February 9, 1948, Southern District of Ohio.

ALLEGED SHIPMENT: On or about January 6, 1948, by Drug Profits, Inc., from Ravenswood, W. Va.

PRODUCT: 36 cartons, each containing 12 boxes, of *Burtone* at Ironton, Ohio. Examination showed that the product consisted essentially of emodin bearing drugs, phenolphthalein, extract of bile, capsicum, and oil of peppermint.

LABEL, IN PART: "Burtone Lower Bowel and General Laxative 30 tablets."

NATURE OF CHARGE: Misbranding, Section 502 (a), the following label statements were false and misleading, since the article was a laxative and a laxative is not effective in bringing about lower bowel health; is not effective in the treatment of sickness resulting from constipation; and is not effective for the other diseases, symptoms, and conditions represented and suggested to be a result of constipation: (Display carton) "The Lower Bowel Health Plan Burtone for Constipation Sickness and Headache, stomach gas, indigestion, biliousness, backache, rheumatic pains, etc. caused by the ailment" and (circular in box) "Constipation Sickness This Refers Directly To Headaches—Bilious Spells — Stomach Gases — Indigestions — Heartburns — Backaches — Loss of Energy and a Weak, Tired Body When Such Conditions Are Due to or Symptomatic of Prolonged Constipation. Constipation Sickness: Meaning Headaches, Bilious Spells, Stomach Gases, Indigestions, Heartburns, Backaches, Loss of Energy, A Tired, Achy Body when due to or symptomatic of lower bowel constipation and responsive to the right use of an effective laxative * * * It is here that toxic poisons form and are carried back on gas waves into the small intestinal tract where they become the cause of these defined inorganic ailments that soon cause the distresses mentioned."

Further misbranding, Section 502 (a), the directions for the use of the article and the advice against too frequent use were misleading, in that they were ambiguous since the user was furnished with directions calling for continued administration of the article and was then admonished against taking the article in the following words: "When the need continues after the first dose, three additional doses are permissible, after eight hours' rest period, as follows: two regular and one reduced to one-half the regular; with eight hour rest periods between each of the three doses. Then a rest period of three