

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the following statements in the circular were false and misleading since they represented and suggested that the article was effective in the treatment of the diseases, symptoms, and conditions stated and implied, whereas the article was not effective for such purposes: "Quickly relieves the disturbing distress of Belly-Ache caused by upset stomach—colic—overindulgence—nervous indigestion \* \* \* This medicine gives prompt and speedy relief for 'Belly-Ache' caused by over-eating—nervous indigestion—gas on the stomach—upset stomach—colic. Dr. E. L. Welbourn's Elixir gives speedy relief and checks minor stomach and bowel complaints, such as vomiting and diarrhoea and is especially useful in relieving the distress caused by eating foods and liquids that upset the digestion. Very effective in relieving distress of summer complaint and intestinal flu. Also—it speedily relieves colic and upset stomachs of children. Children of all ages frequently suffer from upset stomachs. Give them this Elixir and relieve this distress. It is also an invaluable aid in relieving the distress in children caused by summer complaint and teething. This Elixir also aids in improving the digestion \* \* \*. It is also used as a tonic and as an aid in improving the digestive processes of elderly people—also acts quickly to relieve various digestive upsets peculiar to elderly people. \* \* \* fast acting 'Belly-Ache' reliever \* \* \* for that sudden upset stomach or 'Belly-Ache' \* \* \* Children cry for more \* \* \* For simple diarrhoea, Looseness of the bowels—Pain or Gripping \* \* \* For indigestion \* \* \* will start digestion \* \* \* For colic \* \* \* For upset stomach caused by teething \* \* \* rub the Elixir on the gums to ease the discomfort."

**DISPOSITION:** September 10, 1948. Default decree of condemnation and destruction.

✓ **2636. Misbranding of iron and yeast tablets, and Brother Tom's Medicine. U. S. v. 54 Dozen Envelopes, etc. (F. D. C. Nos. 25461, 25462. Sample Nos. 28400-K, 29231-K.)**

**LIBEL FILED:** August 27, 1948, District of Colorado.

**ALLEGED SHIPMENT:** On or about March 20, 21, 29, and 30, May 11, and June 28, 1948, by the Brother Tom's Medicine Co., from Los Angeles, Calif.

**PRODUCT:** 54 dozen envelopes of *iron and yeast tablets* and 54 dozen 12-ounce bottles of *Brother Tom's Medicine* at Denver, Colo. Each bottle of the medicine had one envelope of tablets attached to it by transparent adhesive tape. In addition to the tablets, each envelope contained a circular entitled "Marginal Anemia The 24 Hour Thief."

**LABEL, IN PART:** (Tablets) "Four Tablets Contain Iron 75 Mg. (Ferrous Sulf. Exsic. 3.9 Gr.) Yeast 12 Gr. (Primary Dried U. S. P.) B<sub>1</sub> (Thiamin) 1.8 mg. with excipients and fillers."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in the circular were false and misleading. These statements suggested and implied that the tablets would preserve a lady's beauty and prevent her face from growing pale when her freshness was lagging and her energy was low; that they would remedy puny, weak, red blood cells, enabling them to send full energy into one's system; that they would build energy, would correct tired, listless, pale conditions, and would cause the red cells to release energy to the body; and that they would favorably affect puny, faded cells, enabling them to release needed energy and cause one to look and feel one's best. The tablets would not be effective for such purposes..

**DISPOSITION:** October 15, 1948. No claimant having appeared, and the court having found that the tablets were misbranded as alleged in the libel and that the medicine was not misbranded under Section 502 (a), judgment was entered ordering the condemnation and destruction of the tablets. It was ordered also that the envelopes be detached from the bottles and that the medicine in the bottles be condemned and sold at public or private sale to the highest bidder. On December 23, 1948, it having appeared to the court that the medicine was misbranded because of the failure of the labeling to bear adequate directions for use for which it was intended, an amended decree was entered ordering that the medicine be destroyed.

**2637. Misbranding of Red Cell Caps. U. S. v. 66 Cartons \* \* \* (and 2 other seizure actions). (F. D. C. Nos. 25383 to 25385, incl. Sample Nos. 19487-K, 19490-K, 19491-K.)**

**LIBELS FILED:** August 25, 1948, Western District of Kentucky.

**ALLEGED SHIPMENT:** On or about January 24 and 26, March 29, and July 6, 1948, by Burner Laboratories, Inc., from Evanston, Ill.

**PRODUCT:** 1,545 cartons each containing 1 42-capsule bottle of *Red Cell Caps* and a circular entitled "The Story of Red Cell Caps" at Louisville, Ky. Analysis indicated that the product consisted essentially of spray-dried blood, with a total iron content of 2.1 milligrams per capsule.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in the labeling of the article were false and misleading since the article would not be effective for the purposes suggested and implied. The statements represented and suggested that the article would be effective as a blood building food and as a supplement to the diet; that it would maintain or produce beauty, health, and vibrant energy; and that it would be efficacious in regenerating the blood.

**DISPOSITION:** December 1, 1948. Default decrees of condemnation and destruction.

**2638. Misbranding of O. P. Analgesic Capsules. U. S. v. 14 Dozen Boxes \* \* \*. (F. D. C. No. 26000. Sample No. 25989-K.)**

**LIBEL FILED:** November 9, 1948, District of Minnesota.

**ALLEGED SHIPMENT:** On or about September 17, 1948, by Weeks & Leo Co., Inc., from Des Moines, Iowa.

**PRODUCT:** 14 dozen boxes of *O. P. Analgesic Capsules* at Hopkins, Minn.

**LABEL, IN PART:** (Boxes) "O-P Analgesic Capsules \* \* \* Each capsule contains: Phenacetine 2 grs., Aspirin, Caffeine, Tr. Gelsemium \* \* \* Contents Twenty Capsules."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements on the labels of the article were false and misleading since they represented and suggested that the article was effective to relieve all the discomforts of the common cold and was effective in the relief of grippe. The article was not effective for such purposes.

**DISPOSITION:** March 2, 1949. Default decree of destruction.

**2639. Misbranding of Cravex. U. S. v. 28 Cartons \* \* \*. (F. D. C. No. 25662. Sample No. 23762-K.)**

**LIBEL FILED:** On or about October 1, 1948, Eastern District of Texas.