

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements in the labeling of the article were false and misleading since the article when used as directed was not effective to inhibit bacteria, arrest fermentation, and to remove the cause of intestinal and urinary irritations, and, further, it was not effective in the treatment of grippe and common colds: (Bottle label) "* * * They inhibit bacteria, arrest fermentation, removing cause of intestinal and urinary irritations" and (leaflet entitled "Nef-Tex Tablets") "* * * Nef-Tex Tablets Recommended for Grippe and Common Cold Health authorities agree that a germ or virus is responsible for the common run of colds and that all of us should guard against them. If you are subject to colds or have trouble getting rid of a cold try Nef-Tex Tablets * * *."

DISPOSITION: June 15, 1949. Default decree of condemnation and destruction.

✓ **2784. Misbranding of Prostall. U. S. v. 4 Bottles, etc. (F. D. C. No. 27163. Sample No. 29299-K.)**

LABEL FILED: April 25, 1949, District of Colorado.

ALLEGED SHIPMENT: By Douglas Laboratories, Inc., from Boston, Mass. The product was shipped on or about April 6, 1949, and a number of pamphlets were shipped on or about March 1, 1949.

PRODUCT: 4 100-capsule bottles of *Prostall* at Denver, Colo., together with 18 pamphlets entitled "The Story of Prostall." Analysis indicated that the product consisted of amino acids.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label of the article and in the pamphlets 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 was not effective for such purposes.

DISPOSITION: June 1, 1949. Default decree of condemnation and destruction.

2785. Misbranding of Vita Orange. U. S. v. 10 Cases, etc. (F. D. C. No. 26096. Sample Nos. 5308-K to 5310-K, incl.)

LABEL FILED: On or about December 1, 1948, District of Rhode Island.

ALLEGED SHIPMENT: On or about September 2 and 18, 1948, by the California Fruit Juice Co., from Waltham, Mass.

PRODUCT: 10 cases, each containing 12 quart bottles, 15 cases, each containing 6 half-gallon bottles, and 39 1-gallon bottles, of *Vita Orange* at Newport, R. I., together with a number of circulars entitled "The Good Morning to Health."

Examination showed that the product was a mixture of orange juice, orange oil, water, acid, sugar, and artificial color, and that it contained approximately 5,000 U. S. P. units of vitamin C per one-half gallon.

LABEL, IN PART: (Bottle) "Vita Orange with Vitamins Added."

NATURE OF CHARGE: Misbranding, Section 502 (a), the name "Vita Orange" and certain statements in the circulars were false and misleading since they represented and suggested that the article was nutritionally better than orange juice; that it was a better source of vitamins than orange juice; that it would be effective to promote health and healthy bones, teeth, and gums; and that it would be effective in the treatment of colds and prevention of infections. The article was not nutritionally better than orange juice; it was not a better source of vitamins than orange juice; and it would not be effective for the purposes represented.

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

DISPOSITION: February 2, 1949. Default decree of condemnation. The circulars were ordered destroyed, and the product was ordered delivered to a charitable institution.

2786. Misbranding of vitamin E capsules. U. S. v. 111 Bottles * * *. (F. D. C. No. 26157. Sample No. 51226-K.)

LABEL FILED: December 22, 1948, Southern District of Ohio.

ALLEGED SHIPMENT: On or about November 19, 1948, from Detroit, Mich.

PRODUCT: 111 bottles, each containing 100 capsules, of *vitamin E* at Cincinnati, Ohio, in the possession of the Cincinnati Vitamin Co. A number of circulars entitled "Vitamin E and Heart Disease," which had been prepared by the consignee and printed locally, were on the counter in close proximity to the product. Examination indicated that the product had the composition stated on its label.

LABEL, IN PART: "100 Gelatin Capsules No. 153 Vitamin E Each Capsule Contains 30 mg. Alpha Tocopherol."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the circulars were false and misleading since they represented and suggested that the article was effective to prevent and cure heart disease, whereas the article was not effective for such purpose. The article was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: February 23, 1949. Default decree of condemnation and destruction.

2787. Misbranding of Burnett's Radio-Active Emanator. U. S. v. 4 Devices * * *. (F. D. C. No. 23731. Sample No. 76470-H.)

LABEL FILED: On or about October 8, 1947, Southern District of Texas.

ALLEGED SHIPMENT: On or about July 11 and 30 and August 14, 1947, by W. H. Burnett, from Fordyce, Ark.

PRODUCT: 4 unlabeled devices at Monroe City, Tex. Examination showed that the device consisted of a molded concrete block containing a trace of radio-active material.

NATURE OF CHARGE: Misbranding, Section 502, the device was represented as "Burnett's Radio-Active Emanator," whereas it contained only a trace of radio-active material, which was too little to be of any therapeutic significance.

DISPOSITION: December 19, 1947. Default decree of condemnation and destruction.

DRUGS FOR VETERINARY USE

2788. Adulteration and misbranding of Fox No. 1 Mineral Feed and misbranding of Poultrate, Vetrone, and Fox Triumph Swine Liquid. U. S. v. Foxbilt, Inc., and E. Frank Fox. Pleas of guilty. Fine of \$325 against each defendant, plus costs. (F. D. C. No. 25602. Sample Nos. 25384-K, 25385-K, 25387-K, 25389-K.)

INFORMATION FILED: February 24, 1949, Southern District of Iowa, against Foxbilt, Inc., Des Moines, Iowa, and E. Frank Fox, president of the corporation.