

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

DRUGS FOR HUMAN USE*

3054. Misbranding of Prostall. U. S. v. Douglas Laboratories, Inc., and Edward Y. Domina. Pleas of nolo contendere. Fine of \$1 against corporation; individual placed on probation for 2 years. (F. D. C. No. 23257. Sample No. 63119-H.)

INFORMATION FILED: August 4, 1948, District of Massachusetts, against Douglas Laboratories, Inc., Boston, Mass., and Edward Y. Domina, president of the corporation.

ALLEGED SHIPMENT: On or about February 3, 1947, from the State of Massachusetts into the State of California.

PRODUCT: Analysis showed that the product consisted of gelatin capsules containing glutamic acid.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the labeling of the article, which included a booklet entitled "The Story of Prostall," were false and misleading. The statements represented and suggested that the article would be effective to relieve the symptoms of prostate hypertrophy, whereas the article would not be effective for such purpose.

DISPOSITION: March 10, 1950. Pleas of nolo contendere having been entered, the court imposed a fine of \$1 against the corporation and placed the individual on probation for 2 years on the condition that during such period he should not send through the mail or ship in interstate commerce the drug known as "Prostall" or any other drug of the same character for which the same claims were made.

3055. Misbranding of Improved Min-E-Vita. U. S. v. Helios Foods, Inc., and Harry H. Grahn (Min-E-Vita Products Co.). Pleas of guilty. Fine of \$250 against the defendants jointly. (F. D. C. No. 25623. Sample Nos. 47745-H, 48261-H, 15932-K.)

INFORMATION FILED: January 16, 1950, Northern District of Illinois, against Harry H. Grahn, trading as the Min-E-Vita Products Co., Chicago, Ill., and against Helios Foods, Inc., Chicago, Ill., and Harry H. Grahn, president of the corporation.

ALLEGED SHIPMENT: On or about April 8, 1948, by Harry H. Grahn, trading as the Min-E-Vita Products Co., from the State of Illinois into the State of Michigan, and on or about September 25 and November 21, 1946, by Helios Foods, Inc., and Harry H. Gahn, president, from the State of Illinois into the State of Colorado.

LABEL, IN PART: "Improved Min-E-Vita A Unit Combination of Minerals and Vitamins * * * Contains * * * only the essential elements required in the normal human body. Calcium Potassium Phosphorus, Aluminum Iron-Sodium Copper-Iodine Magnesium Manganese * * * Each Capsule Contains Not Less Than: Vitamin A — 5000 U. S. P. Units Vitamin B₁ — 333 U. S. P. Units Vitamin C — 600 U. S. P. Units Vitamin D — 500 U. S. P. Units, Vitamin B₂-G — 1000 Gammas — Riboflavin Vitamin E — 2 Minims Wheat Germ Oil—Plus—10 Milligrams Calcium Pantothenate."

*See also No. 3041, 3045, 3047, 3051.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the labeling of the article, which included leaflets entitled "Reduce to Normal" and "Persons Who Are Obese," booklets entitled "Min-E-Vita versus Obesity," and "Helios Formula Min-E-Vita a Valued Agent," and a letter addressed to the consignee of one of the shipments, were false and misleading. The statements represented and suggested that the article would be efficacious in the treatment of border-line anemia, cancer, graying of the hair, wrinkles, colds, hay fever, asthma, pimples, acne, eczema, hyperacidity, acidosis, arthritis, general debility, dysmenorrhea, insomnia, nervous disorders, waning sexual vigor, brittle nails, diabetes, high blood pressure, kidney disorders, heart disease, degenerative conditions, digestive disorders, and sick headache; that the article would insure buoyant health, intensive vitality, and a good complexion; and that it would reduce weight to normal, maintain a positive nutritional balance, build resistance to disease, and prevent premature old age. The article would not be efficacious for such purposes.

Further misbranding, Section 502 (a), (portion of article) the label statement "Each capsule contains not less than: Vitamin B₁ — 333 U. S. P. Units Vitamin C — 600 U. S. P. Units" was false and misleading since one shipment of the article contained smaller amounts of vitamins B₁ and C than declared.

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: March 22, 1950. Pleas of guilty having been entered, the court imposed a fine of \$250 against the defendants jointly.

3056. Misbranding of wheat germ oil capsules. U. S. v. 3 Bottles, etc. (F. D. C. No. 28006. Sample No. 13815-K.)

LIBEL FILED: September 27, 1949, Eastern District of Pennsylvania; amended libel filed on or about November 2, 1949.

ALLEGED SHIPMENT: On or about August 22 and September 16, 1949, from New York, N. Y.

PRODUCT: 3 500-capsule bottles and 66 90-capsule bottles of *wheat germ oil capsules* at Ivyland, Pa., in the possession of the Great Valley Mills, together with a number of leaflets entitled "What the Miracle of Wheat Germ means to you and your family" and a number of price lists. The leaflets and price lists were printed locally for the consignee.

Examination showed that the product was wheat germ oil.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the price lists and leaflets were false and misleading since the article when used as directed was not effective for the purposes stated and implied. The statements represented and suggested that the article when used as directed was effective to prevent and correct heart disease, infections, loss of vitality, eye troubles, sinusitis, glandular disorders of the mouth and throat, kidney and bladder disorders, poor appetite, digestive disturbances, constipation, loss of weight, nervous disorders, sterility in males, birth of paralytic children, and premature old age. The article was misbranded while held for sale after shipment in interstate commerce.

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, No. 15947.

DISPOSITION: December 12, 1949. Default decree of condemnation and destruction.