

by the Health Products Co., at Milwaukee, Wis., a number of tablets in the drums were removed and repacked into bottles bearing labels designating the tablets as *Kimball tablets* or *Kao-Kim tablets*. The above-mentioned circulars, bottle labels, cartons, window signs, and the store front sign were prepared locally for the consignee.

LABEL, IN PART: (Drums) "Private Formula No. P-25,794 Date 9/9/52 Prepared for Health Products Co. * * * Active Ingredients: Bismuth Subnitrate 1 gr., Sodium Bicarbonate 10 gr., Magnesium Carbonate 7 gr., Pepsin NF 1-3000—1/10 gr., and Excipients"; and "Private Formula No. P-25,597 Date 8/27/52 Prepared for Health Products Co. * * * Active Ingredients: Bismuth Subnitrate 1 gr., Sodium Bicarbonate 10 gr., Magnesium Carbonate 7 gr., Oleoresin Ginger 1/75 gr., Malt Diastase 1 gr., Papain 1 gr., Pancreatin 1/2 gr., Pepsin NF 1-3000—1/10 gr., and Excipients."

(Bottles) "Kimball's Rays of Health * * * Kimball Tablets" and "Kao-Kim Rays of Health Kao-Kim Tablets."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the labeling of the tablets, namely, the bottle and carton labels, the circulars, and the window signs and store front sign accompanying the article, were false and misleading. The statements represented and suggested that the tablets would restore and maintain health and that they were an adequate and effective treatment for gastritis, indigestion, bloating, nervousness, headaches, ulcers, stomach trouble, inflamed membranes of the stomach, and loss of weight and strength. The tablets would not restore and maintain health, and they were not an adequate and effective treatment for the diseases and conditions stated and implied.

Further misbranding, Section 502 (a), certain statements in the above-mentioned circulars which suggested and implied that the tablets consisted of "derivatives of minerals, vegetables and fruit" were misleading since none of the ingredients of the tablets was derived from sources ordinarily regarded as fruits and vegetables. The tablets were alleged to be misbranded in the above respects while held for sale after shipment in interstate commerce.

DISPOSITION: July 9, 1953. John J. McCloskey, Milwaukee, Wis., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the store front sign be released to the claimant on condition that the wording of the sign be changed to read "Why Suffer With Stomach Hyperacidity? Money Back Guarantee." The court ordered also that the tablets, together with their labeling other than the store front sign, be destroyed.

4136. Misbranding of Vit-Ra-Tox No. 21. U. S. v. 25 Cartons, etc. (F. D. C. No. 34391. Sample Nos. 62612-L, 62613-L.)

LABEL FILED: January 6, 1953, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about December 16 and 24, 1952, V. E. Irons, Inc., from Franklin and Boston, Mass.

PRODUCT: 25 cartons of *Vit-Ra-Tox No. 21* at St. Louis, Mo., together with a number of leaflets entitled "No. 21 A Natural Food" and "What Price Refinement" and 1 copy of a newsletter dated October 24, 1952.

LABEL, IN PART: "V. E. Vit-Ra-Tox Irons Inc. No. 21A . . . Part of No. 21 A Natural Food with *Greenlife* Raw Veal Bone and Defatted Wheat Germ Vit-Ra-Tox No. 21A with *Greenlife* Green Life is a concentrate of the juices of 2 or more young, tender green cereal (grain) shoots (oats, corn, barley,

rye or wheat) ; raised in one of the richest soils known to man on the world's largest Organic Compost Farm near Kansas City, Mo. ; extracted in a manner as to retain Nature's vitamins, living enzymes, synergists, and activating minerals (except Vitamin D) ; rich natural source of Carotene (provitamin A) and the complete natural complexes of Vitamins B, C, E, F, and K with the P fractions of the C complex and the Wulzen factor of the F complex, plus the living enzymes, synergists and mineral activators. It contains organic iron, calcium, phosphorus, iodine and a host of other minerals in trace amounts with *Live Chlorophyll* in its natural, *untreated*, and *edible* state. Also contains * * * Raw Veal Bone Meal with its natural marrow. (1 oz.) An excellent source of calcium, phosphorus, and amino acids in easily assimilable form" and "No. 21B V. E. Vit-Ra-Tox Irons Inc. A Natural Food This part containing: Garlic Derivative * * * Vit-Ra-Tox No. 21B Two green capsules contain the following: Garlic Derivative 4 Mgs. Formulated in the following Organic Base (good natural sources of nutritional elements) Wheat Germ Oil 129.6 Mgs. and Lecithin from soy beans 666.4 Mgs. are used as emulsifiers."

NATURE OF CHARGE: Misbranding, Section 502 (a), the labeling of the article, namely, the accompanying leaflets and newsletter, when taken as a whole as well as through specific claims and in the setting in which they were presented, contained statements which represented and suggested that the average American diet is deficient in vitamins, minerals, and enzymes; that, as a result of such deficiencies, everyone is suffering from imperfect health and disease; that such conditions can only be eliminated by the ingestion of the article; that the article would be effective in the treatment, prevention, and cure of common infections, external and internal, and intestinal infections, ranging from amebic dysentery to paratyphoid; that the article was of special value for the circulatory system; that the article had a primary place in treating the symptoms of aging and would keep workingmen at high efficiency and guarded from illness; that the article was the solution to many of the most perplexing physical, special, and economic problems; that the article would prevent sterility and was of vital importance to prevent heart trouble; that the article would be effective in the treatment, prevention, and cure of heart trouble, diabetes, indigestion, anemia, nervousness, varicose veins, asthma, and hay fever, diseases of the digestive system, respiratory system, and the glands, bones, skin, and muscles, tuberculosis, cancer, pernicious anemia, marasmus, dentition difficulties and imperfect teeth in children and in adults, dyspepsias, diarrheas, constipation, obesity, inability to nurse children, neuroses, infantile paralysis, certain myalgias or "Rheumatism," dementia praecox, high blood pressure, low blood pressure, polio, arterial disease, flatulence, infections of the respiratory system, worms, lice, ulcers, and symptoms of aging; that the action of garlic in the article was comparable to that of penicillin and that garlic would make the dread symptoms of diphtheria present in the system disappear. Such representations and suggestions were false and misleading since the article was not effective in the treatment of the conditions stated and implied, and it was not capable of fulfilling the promises of benefit made for it. The article was alleged to be misbranded when introduced into, while in, and 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.

DISPOSITION: January 30, 1953. Default decree of condemnation. The court ordered that a portion of the article be delivered to the Food and Drug Administration and that the remainder be destroyed.

4137. Misbranding of Lusalfa tonic. U. S. v. 20 Bottles * * *. (F. D. C. No. 35003. Sample No 55118-L.)

LIBEL FILED: April 21, 1953, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about March 30, 1953, by M. W. Henson, from Huntley, Ill.

PRODUCT: 20 8-ounce bottles of *Lusalfa tonic* at Milwaukee, Wis.

LABEL, IN PART: "Lusalfa Tonic Vitamins Enzymes Digestives—Prepared From Natural Young Alfalfa With Papain, Pepsin; Ox Gall, Hydrochloric Acid Added * * * Manufactured By Walton Laboratory Chicago, Illinois."

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statement "Recommended as Regulator for Nervousness, Sleeplessness, Lack of Appetite, Chronic Constipation, and General Debility" was false and misleading since the article would not be efficacious as a regulator for those conditions.

DISPOSITION: May 18, 1953. Default decree of condemnation and destruction.

4138. Misbranding of huckleberry leaves. U. S. v. 3 Bales, etc. (F. D. C. No. 34891. Sample No. 66865-L.)

LIBEL FILED: March 16, 1953, Middle District of Pennsylvania; libel amended April 1, 1953.

ALLEGED SHIPMENT: On or about October 22, 1952, from New York, N. Y.

PRODUCT: 3 225-pound bales of *huckleberry leaves* in bulk and 52 5-ounce labeled canisters and 750 unlabeled canisters of *huckleberry leaves* at Wilkes-Barre, Pa., in the possession of Temple Drugs, together with a number of loose labels reading in part, "Temp-L-Tea" and "Meta Tea." A circular entitled "Read what a friend says about Temp-L-Tea" was attached to each of the labeled canisters.

Analysis showed that the product consisted essentially of dried huckleberry leaves.

LABEL, IN PART: (Canister) "Temp-L-Tea (Vaccinium Myrtillus Dehydrated)."

RESULTS OF INVESTIGATION: The portion of the product contained in the canisters had been repackaged by the consignee from the bales in which such portion was contained when shipped in interstate commerce. It was found that the consignee also repackaged the bulk *huckleberry leaves* into canisters labeled "Meta Tea."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the canister labels and in the above-mentioned circular were false and misleading. The statements represented and suggested that the article was an adequate and effective remedy for diabetes, whereas it was not an adequate and effective remedy for diabetes.

Further misbranding, Section 502 (e) (1), the canister labels failed to bear the common or usual name of the article since "Vaccinium Myrtillus Dehydrated" was not the common or usual name of dried huckleberry leaves.

The article was misbranded in the above respects while held for sale after shipment in interstate commerce.

DISPOSITION: May 14, 1953. Default decree of condemnation and destruction.