

Hormonal activity as found in wheat—Testosterone (Male Sex Hormone) 0.067 mcg. Vitamin E 0.034 mgms. Survival Factor + Vitamin B 1 10 mg. 1000% MDR Vitamin B 2 7 mg. 350% MDR Niacinamide 30 mg.”] Contents 60 Capsules Sole Distributors Glanex Products * * * Floral Park, N. Y. Directions As a dietary supplement, take 2 capsules daily” and “Fem-Tone Female Formula Contents 60 Capsules Each capsule contains—Hormonal activity as found in wheat—Estrone (Female Sex Hormone) 0.005 mcg. Vitamin E 0.034 mgms. Survival Factor + Vitamin B 1 5 mg. 500% MDR Vitamin B 2 3.5 mg. 175% MDR Niacinamide 15 mg. Sole Distributors Glanex Products 6 North Tyson Avenue Floral Park, N. Y. Directions As a dietary supplement, take 2 capsules daily.”

ACCOMPANYING LABELING: Folder entitled “For Men Past 40 Testo-Glan The New Extra Safe Male Power Formula” and a form letter addressed to “Dear Friend” and beginning with the words “Men past 40 everywhere are praising Testo-Glan.”

CHARGE: The complaint alleged that the defendant had been and still was introducing into interstate commerce the above-mentioned articles which were misbranded within the meaning of 502 (a) by reason of the following false and misleading representations in their labeling:

(1) That the *Testo-Glan Male Formula* (regular strength and double strength) contained physiologically active glandular substances; that the glandular constituents of the article were of value in overcoming glandular deficiencies in the human male; that the article would increase male power; that it was an adequate and effective treatment for male sexual weakness, mental depression, loss of appetite, digestive disturbance, loss of muscle power, listlessness, headaches, loss of vigor, nervousness, vague aches and pains, sleeplessness, and irritability; and that it contained hormonal activity equivalent to therapeutically significant amounts of testosterone;

(2) That the *Fem-Tone Female Formula* would restore sexual desire in women; that it was an adequate and effective treatment for fatigue, loss of appetite, nervousness, dizziness, headaches, vague aches and pains, weakness, mental depression, and sleeplessness; and that it contained hormonal activity equivalent to therapeutically significant amounts of estrone.

The complaint alleged further that there were no known methods of demonstrating the presence or absence of the minute quantities of testosterone activity claimed to be present in the *Testo-Glan Male Formula* and the minute quantities of estrone activity claimed to be present in the *Fem-Tone Female Formula*; that the commonly employed therapeutic dose of testosterone given orally was at least 1,000 times the quantity that would be supplied in the recommended dosage of the *Testo-Glan Male Formula* based on the label statement of testosterone activity content; that the quantity of estrone activity claimed to be present in the *Fem-Tone Female Formula* was likewise totally insignificant; that the statements in the labeling of the articles conveyed to the usual and ordinary purchaser the impression that the *Testo-Glan Male Formula* contained hormonal activity equivalent to therapeutically significant amounts of testosterone and that the *Fem-Tone Female Formula* contained hormonal activity equivalent to therapeutically significant amounts of estrone, whereas such was not the case; and, that even if the articles did contain significant amounts of hormones, the articles would not accomplish the rejuvenating effects claimed for them.

DISPOSITION: 4-19-54. The defendant having consented, the court entered a decree permanently enjoining the defendant against the introduction into inter-