

sumption of the article would insure a diet high in vital food elements; that it was a magic food which would balance the family diet and provide a completely healthful diet; that it was a splendid source of the vitamin B complex; that consumption of the article as directed would insure an abundance of the B-group vitamins; that, when used as directed, it would contribute in an important respect to the requirements of the body for vitamin A and calcium; that the contents of one of the jars, 11 ounces of the article, was equivalent to 3 pounds of wheat germ; that each ounce of the article contained 2.02 milligrams of copper; that the minimum daily requirement for riboflavin for adults was 1.8 milligrams; and that the minimum daily requirements for niacin and copper have been established. The article was not a splendid source of the vitamin B complex and would not accomplish the results claimed; the contents of one of the jars, 11 ounces of the article, was not equivalent to 3 pounds of wheat germ, inasmuch as two of the vitamin constituents of wheat germ, Vitamin D and riboflavin, were present in the article in essentially the same amount as are present in wheat germ; each ounce of the article contained a smaller amount of copper than was represented; the minimum daily requirement for riboflavin for adults is not 1.8 milligrams but is 2 milligrams; and the minimum daily requirements for niacin and copper have not been established.

Both products: Misbranding, Section 403 (j), the articles purported to be and were represented as foods for special dietary uses by man by reason of their content of vitamin B₁, vitamin E, vitamin A, and vitamin B₂, and their mineral content of iron, copper, calcium, phosphorus, and (Wheatmix only) iodine, but their labels failed to bear, as the regulations require, statements of the proportion of the minimum daily requirements for vitamin B₁, vitamin A, and vitamin B₂, iron, calcium, phosphorus, and (in the case of the Wheatmix) iodine which would be supplied by the articles when consumed in a specified quantity during a period of 1 day; and they failed to bear a statement that the need for vitamin E in human nutrition has not been established, or a statement of the quantity of copper which was contained in a specified quantity of the articles.

The articles were also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1119.

DISPOSITION: On January 25, 1944, the defendant having entered a plea of guilty, the court imposed a total fine of \$225 and costs, the fine on the counts charging violation of the food sections of the Act amounting to \$150.

6794. Misbranding of Helio Minerals. U. S. v. 3 Dozen Bottles and 3 Dozen Bottles of Helio Minerals. Default decree of condemnation and destruction. (F. D. C. No. 10360. Sample No. 33849-F.)

LIBEL FILED: August 6, 1943, Western District of New York.

ALLEGED SHIPMENT: On or about June 7 and July 30, 1943, from Detroit, Mich., by the Gordon Service, Inc.

PRODUCT: Helio Minerals: 3 dozen 500-tablet bottles and 3 dozen 160-tablet bottles at Buffalo, N. Y.

Examination disclosed that the article consisted essentially of seaweed, alfalfa, and parsley leaves; and that 6 tablets, the number directed to be taken in 1 day, would provide only about $\frac{1}{5}$ of the minimum daily adult requirement for calcium, $\frac{1}{60}$ of the minimum daily adult requirement for phosphorus, and $\frac{1}{6}$ of the minimum daily adult requirement of iron for adults and children over 6 years of age, and $\frac{1}{4}$ of the minimum daily requirement of iron for children under 6 years of age. The amount of copper provided was essentially inconsequential.

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the designation "Helio Minerals," in the labeling of the article, was false and misleading as applied to a product which consisted essentially of seaweed, alfalfa, and parsley leaves; the statements on its label, "(Dietary Supplement) Contain in Organic (natural) form all of the minerals now known to be essential to nutrition, especially rich in iron, copper," were false and misleading since the article, when taken in accordance with the directions on the label, "3 tablets after breakfast and 3 tablets after evening meal * * * Children over three can be given same amount," would provide but a small fraction of the requirements of adults or children for calcium, phosphorus, and iron, minerals which are known to be essential to nutrition, and but an inconsequential trace of copper; and the following statements on its label, "Helio Minerals are prepared in the laboratories of an internationally recognized scientist from his own selection of *Macrosystis Pyrifera* (Giant Kelp) so as to retain their amazing content of minerals," and

"Helio Minerals were prepared to supply minerals in large enough amounts to be of real value," were false and misleading since the article was prepared from seaweed (kelp), alfalfa, and parsley leaves, products which do not contain an unusual proportion of mineral constituents, and, when taken as directed, it would supply but a small fraction of the minerals now known to be essential to nutrition.

Further misbranding, Section 403 (a), the statements in an accompanying circular entitled "Feel Better Look Better Helio Minerals and Helio Natural B-Complex" were false and misleading since they represented and suggested that the article was effective, either alone or in combination with vitamin B-complex, to fulfill the promises of benefits stated and implied therein, that is, that the article would enrich the blood, soothe the nerves, add energy, and repair the body; that it would make the user feel better and look better; and that it would increase resistance to disease, protect the bones and teeth, strengthen the heart and nerves, insure good digestion, keep tissues flexible and active, prevent poor muscular control, neutralize excess acids, produce internal cleanliness, aid in the treatment of rheumatism, skin, and other diseases, help one to sleep better, stimulate the appetite, regulate constipation, prevent neuritis, premature aging, cracking of lips, loss of hair, atrophy of oil glands, and loss of weight, promote growth, strengthen vision, courage, and morale, restore color to graying hair, and reduce dark coloring in birthmarks and freckles, whereas, the article was not so effective; and, Section 403 (i), the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1131.

DISPOSITION: September 20, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6795. Adulteration and misbranding of Minavit No. 1. U. S. v. 65 Bottles of Minavit No. 1. Default decree of condemnation and destruction.
(F. D. C. No. 11582. Sample No. 39764-F.)

LIBEL FILED: January 14, 1944, District of Arizona.

ALLEGED SHIPMENT: On or about August 2, 1943, by the Soltan Corporation, Los Angeles, Calif.

PRODUCT: 65 bottles of Minavit No. 1 at Tucson, Ariz.

Examination of a sample showed that the article contained not more than 750 units of vitamin A, not more than 600 units of vitamin D, and not more than 52 gamma of iodine per tablet.

LABEL, IN PART: "Minavit No. 1 Each tablet contains approximately: Vitamin A "1500 U. S. P. Units * * * Vitamin D 1000 U. S. P. Units * * * Iodine 365 gamma."

VIOLATIONS CHARGED: Adulteration, Section 402(b)(1), valuable constituents, vitamin A, vitamin D, and iodine, had been in part omitted from the article.

Misbranding, Section 403(a), the label statements, "Each tablet contains approximately: Vitamin A 1500 U. S. P. Units * * * Vitamin D 1000 U. S. P. Units * * * Iodine 365 gamma," were false and misleading since the article did not contain the declared amounts of vitamins and iodine; and, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by man by reason of its vitamin and mineral content, and its label did not bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of vitamin A, vitamin C, vitamin D, thiamine hydrochloride, riboflavin, calcium, iron, and iodine, supplied by the article when consumed in a specified quantity during the period of 1 day; and the statement that the need for vitamin B₆ and vitamin E in human nutrition has not been established.

DISPOSITION: February 21, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6796. Misbranding of Macu Brand Papaya Concentrate. U. S. v. 12 Bottles and 4 Bottles of Papaya Concentrate. Default decree of destruction.
(F. D. C. No. 10142. Sample No. 43991-F.)

LIBEL FILED: On or about June 28, 1943, Western District of Missouri.

ALLEGED SHIPMENT: On or about April 19, 1943, by Macu Fruit Products, from Chicago, Ill.