

Beauty," on circulars headed "We Feature the Complete Line of Bates Vitamin Products," on placards headed "Bates Anti-Grey Hair Vitamins," and on leaflets entitled "Bates Line of Vitamins," and which represented and suggested that the articles singly or in combination were effective treatments for loss of weight, loss of appetite, nervous disorders, skin troubles, bleeding gums, nutritional disorders, indigestion, gray hair, anemia, general body weakness, night blindness, impaired reproduction and lactation, atrophy of glands, teeth decay, nail brittleness, constipation, abdominal distress, gas, nausea, headache, asthenia, damage to heart muscles, and retarded growth.

The articles were also alleged to be misbranded under the provisions of the law applicable to foods, as reported in the notices of judgment on foods.

On June 26, 1943, Bates Laboratories, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond to be labeled in compliance with the law, under the supervision of an employee designated by the Federal Security Administrator.

1129. Misbranding of Hayden's Caramelized Wheat Germ. U. S. v. 14½ Cases of Wheat Germ. Decree ordering destruction of the product. (F. D. C. No. 10394. Sample No. 48103-F.)

On August 13, 1943, the United States attorney for the Southern District of Ohio filed a libel against 14½ cases, each containing 1 dozen 10-ounce packages, of wheat germ at Athens, Ohio, alleging that the article had been shipped in interstate commerce on or about May 11, 1943, by the Hayden Flour Mills, Inc., Tecumseh, Mich.; and charging that it was misbranded. The article was labeled in part: "Hayden's Caramelized Wheat Germ."

The article was alleged to be misbranded because of false and misleading statements appearing in its labeling which represented that it takes about 300 pounds of wheat to produce 1 pound of the article; that the product would be efficacious in the treatment of constipation, arthritis, poor appetite, retarded growth, lowered vitality, nervousness, poor digestion, gray hair, degeneration of the nervous system, enlargement of the heart, atrophy of the muscles, loss of appetite, stomach ulcer, loss of weight, failure to grow, neuritis, eczema, and nervousness; that it would build resistance; that it contained blood-building minerals; that it would help restore the normal peristaltic action of the intestines and would stimulate the appetite, put pep in the step, help convert the food into energy, aid digestion, promote general health, bring about steadier nerves, stimulate normal growth in infants and children, and help children put on weight and grow faster; that it constituted an essential part of the diet of all children; that it would increase resistance to colds and infections; that it was especially beneficial to nursing mothers; and that it would help prevent baldness and gray hair and cause gray hair to grow in its natural color at the roots. Consumption of the product would not effect the results claimed or suggested; and 1 pound of the product did not represent the wheat germ content of 300 pounds of wheat.

The article was also charged to be misbranded under the provisions of the law applicable to food as reported in notices of judgment on food, No. 5785.

On October 1, 1943, no claimant having appeared, judgment was entered ordering that the product be destroyed.

1130. Misbranding of Sul-Ray Effervescent Mineral Baths. U. S. v. 33 Packages of Sul-Ray Effervescent Mineral Baths. Default decree of condemnation and destruction. (F. D. C. No. 10256. Sample No. 48337-E.)

On July 15, 1943, the United States attorney for the Western District of Kentucky filed a libel against 33 packages of the above-named product at Louisville, Ky., alleging that the article had been shipped on or about May 27, 1943, from New York, N. Y., by the Sante Chemical Co.; and charging that it was misbranded.

Examination disclosed that the article consisted essentially of sulfur with sodium phosphate, carbonate, and borate.

The article was alleged to be misbranded in that the statements in the labeling which represented and suggested that the benefits to be obtained from a visit to mineral springs could be enjoyed at home through the use of the article; and that sulfur in the bath water would be effective in the treatment of rheumatism, arthritis, lumbago, gout, sciatica, various skin conditions, muscular aches and pains, and itching were false and misleading since the benefits from a visit to a mineral spring do not come solely from bathing in the spring water but also include rest and other forms of treatment, and sulfur in the bath water would not be effective in the treatment of the conditions and symptoms named.

On October 11, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1131. 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.)

On August 6, 1943, the United States attorney for the Western District of New York filed a libel against 3 dozen 500-tablet bottles and 3 dozen 160-tablet bottles of Helio Minerals at Buffalo, N. Y., alleging that the article had been shipped on or about June 7 and July 30, 1943, from Detroit, Mich., by the Gordon Service, Inc.; and charging that it was misbranded.

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 $\frac{1}{15}$ of the minimum daily adult requirement for calcium, $\frac{1}{60}$ of the minimum daily adult requirement for phosphorus, $\frac{1}{5}$ of the minimum daily 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.

The article was alleged to be misbranded (1) in that the designation in its labeling, "Helio Minerals," was false and misleading as applied to a product which consisted essentially of seaweed, alfalfa, and parsley leaves; (2) in that 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 requirement of adults or children for calcium, phosphorus, and iron, minerals which are known to be essential to nutrition; and also since the article supplied but an inconsequential trace of copper; and (3) in that the 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. It was alleged to be misbranded further because of false and misleading statements in a circular entitled "Feel Better Look Better Helio Minerals and Helio Natural B-Complex," which accompanied the article, and which represented and suggested that the article would be effective, either alone or in combination with vitamin B-Complex, to fulfill the promises of benefits stated and implied therein, viz., that it would enrich the blood, soothe the nerves, add energy, repair the body, and increase resistance to disease; that it would make the user feel better and look better; that it would protect the bones and teeth, strengthen the 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, and strengthen the heart; that it would prevent neuritis, premature aging, cracking of lips, loss of hair, atrophy of oil glands, and loss of weight; and that it would promote growth, strengthen vision, courage, and morale, restore color to graying hair, and reduce dark coloring in birthmarks and freckles.

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

On September 20, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1132. Misbranding of Floritone. U. S. v. 5 $\frac{3}{4}$ Dozen Packages of Floritone. Default decree of condemnation and destruction. (F. D. C. No. 10194. Sample No. 19222-F.)

Examination of a sample of this article showed that it consisted essentially of glucose, dextrin, and whey powder.

On July 7, 1943, the United States attorney for the District of Massachusetts filed a libel against 5 $\frac{3}{4}$ dozen packages of Floritone at Boston, Mass., alleging that the article had been shipped on or about April 12, 1943, by the Nature Food Centres, Inc., from Providence, R. I.; and charging that it was misbranded. The