1243. Misbranding of Class' Vitamin, Mineral and Herb Formula. U. S. v. 10¾ Cases of Class' Vitamin, Mineral and Herb Formula. Default decree of condemnation and destruction. (F. D. C. No. 11065. Sample Nos. 53443–F, 53470–F.)

On November 8, 1943, the United States attorney for the Southern District of West Virginia filed a libel against 10¾ cases, each full case containing 24 8-ounce bottles, of the above-named product at Charleston, W. Va.; and on November 30, 1943, an amended libel was filed to cover the seizure of an additional lot of 24 cases of the product at Charleston. It was alleged that the article had been shipped on or about August 19 and 25, 1943, from Dayton, Ohio, by the Granville Class Laboratories; and charged that the article was misbranded.

Examination disclosed that the article was a mixture of water, glycerin, and alcohol containing caffeine, phosphate compounds, plant extractives, and a trace of saccharin.

It was alleged to be misbranded in that the name of the article and certain statements appearing in its labeling which represented and implied that the article was of value by reason of its vitamin and mineral content; and that it was of value in correcting poor health, nervousness, irritability, and poor appetite by reason of the fact that it contained vitamins, minerals, and herbs, were false and misleading since the article was not a significant source of vitamins (with the exception of vitamin B_1) and minerals, and it was not of value in correcting the conditions named, nor would its use result in correcting poor health.

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 February 18, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1244. Misbranding of Hi-Lo Tablets. U. S. v. 34 Bottles of Hi-Lo Tablets. Default decree of condemnation and destruction. (F. D. C. No. 10051. Sample No. 38130–F.)

On June 14, 1943, the United States attorney for the Eastern District of Wisconsin filed a libel against 34 bottles, each containing 540 tablets, of the above-named product at Milwaukee, Wis., alleging that the article had been shipped on or about April 20, 1943, from St. Louis, Mo., by the Hi-Lo Products Co.; and charging that it was misbranded.

The article was labeled in part: "Each Tablet Contains Calcium Pantothenate * * * 4.4 Milligrams Vitamin B_1 * * * 111 U. S. P. Units Vitamin B_2 * * * 666 Micrograms Vitamin B_6 * * * 111 Micrograms Vitamin P–P (Niacin) * * * 3333 Micrograms."

A microanalytical examination showed that the article was essentially dried, powdered yeast.

The article was alleged to be misbranded because of false and misleading statements appearing on the carton and bottle labels and in accompanying circulars entitled, "Now Hi-Lo Products presents Hi-Lo Anti-Gray Hair Vitamin Tablets Vitamin B Complex Plus," "Hi-Lo Anti-Gray Hair Tablets," "Gray Hair? Have you heard what Vitamins are doing to Restore Color to Gray Hair and to Prevent Hair from Turning Gray?," and "Before You Buy Vitamins Look at the Labels," which represented and suggested that the article, when taken as directed, was effective in restoring the natural color to gray hair, in preventing the occurence of gray hair, in improving health, and in correcting or preventing nervousness, faulty elimination, headache, dizziness, fatigue, rapid heartbeat, and numbness of feet and ankles.

It was also alleged in the libel that a number of copies of each of the circulars accompanied the article when it was introduced into and while it was in interstate commerce, in the following manner: That a copy of the circular entitled "Hi-Lo Anti-Gray Hair Tablets" was enclosed in each carton containing the tablets at the time of shipment; that a number of copies of the other circulars were received by the consignee at its establishment in Milwaukee, Wis., from the Hi-Lo Products Co., St. Louis, Mo., on or about March 25, 1943, which was prior to the shipment of the article; that certain of the circulars were thereafter prominently displayed in the consignee's establishment, together with, in association with, and in close proximity to the article; and that copies of some of the circulars were distributed to purchasers of the article.

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 March 13, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.