1728. Misbranding of Kol-N-Zyme. U. S. v. 14 Packages of Kol-N-Zyme and 117 leaflets. Default decree of condemnation and destruction. (F. D. C. No. 18321. Sample No. 14423-H.)

LIBEL FILED: On or about November 2, 1945, Northern District of Ohio.

ALLEGED SHIPMENT: From Chicago, Ill., by the Beacon Products Co. The product was shipped on or about August 13, 1945, and the leaflets were shipped on or about April 19, 1945.

PRODUCT: 14 packages of *Kol-N-Zyme* and 117 leaflets entitled "*Kol-N-Zyme*," at Orrville, Ohio. Examination showed that the product consisted essentially of karaya gum, ground psyllium seed, and other plant products, together with sugars.

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements in the leaflets were false and misleading since the article, which was essentially a bulk-forming laxative, would not be effective to fulfill the promises of benefit stated and implied: "Health conscious people have seldom been offered a product that presents a combination of aids for Better Living, well being and return to normal digestive function, than the combined ingredients in balanced proportion contained in Kol-N-Zyme. * * * Laxatives containing irritants achieve no healing result or correction of the cause of costiveness, or failure of normal evacuation. * * * Coating agents such as bismuth, okra, and other palliatives, likewise fail to correct the cause of tenderness, or irritation in the stomach, intestines or colon. * * * The ingredients contained in Kol-N-Zyme are formulated in balance, and are recognized for their value in aiding the return of normal functioning of elimination as outlined in the following paragraphs. * * * Mucus, effete and necrotic matter, inactivated tissues are proteins which may be digested by the Papay Enzyme, thus converting a foul condition to a clean condition which is the first principal of healing therapy. * * * Fruit Pectin is well known for its value as a healing agent when ulcer or irritation is present."

DISPOSITION: December 7, 1945. No claimant having appeared, judgment of condemnation was entered and the product and leaflets were ordered destroyed.

1729. Misbranding of Yogurt Culture. U. S. v. 9 Cartons of Yogurt Culture, and enclosed circulars. Default decree of condemnation and destruction. (F. D. C. No. 18262. Sample No. 23350-H.)

LIBEL FILED: On or about November 9, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about September 27, 1945, by the Health Food Jobbers, from Chicago, Ill.

PRODUCT: 9 cartons, each containing 1 bottle, of *Yogurt Culture* at St. Louis, Mo., together with enclosed circulars entitled "Yogurt Culture A Health Aid." Examination indicated that the product was a culture of viable lactobacilli, as represented in its labeling.

LABEL, IN PART: "Rosell Institute's Original Yogurt Culture * * * International Yogurt Company, Los Angeles, California."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the circulars were false and misleading since they represented and suggested that consumption of milk cultured with the article would enable the user to enjoy better than average health, to retain beauty for a long time, and to keep the spirit of youth for many years; that it would greatly aid health and vitality, prolong life, prevent dysfunction of the vital organs, particularly the gastro-intestinal tract, prevent premature old age, and fight unfriendly microbes; and that it constituted an adequate treatment for chronic constipation, colitis, ulcers, and allied intestinal conditions. The article would not be effective for such purposes.

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

DISPOSITION: November 29, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1730. Misbranding of Tolergen Tablets. U. S. v. 50 Packages of Tolergen Tablets, and a quantity of printed matter. Default decree of condemnation and destruction. (F. D. C. No. 15071. Sample No. 92865-F.)

LIBEL FILED: January 18, 1945, District of Columbia.