days, constipation, yellowish complexion, painful, heavy, bloated feeling in the lower stomach, worn-out feeling, sleeplessness, neuralgia, sharp pain over the kidneys, aching back, stiffness in the back and lower limbs, frequent rising at night, spots before the eyes, swelling of the ankles, feet, and lower limbs, puffs or dark circles under the eyes, atomic constipation, and spastic constipation, which were the conditions for which the article was intended. The article was misbranded in the above respect when introduced into and while in interstate commerce.

Further misbranding, Section 502 (a), the labeling of the article, namely, clippings of a newspaper advertisement which accompanied the article, contained certain false and misleading statements. These statements represented and suggested that the article was an effective treatment for rheumatism, arthritis, neuritis, stomach ailments, weak kidneys, rheumatic pains, headaches, acids, toxins, bloating, weak back, lumbago, leg pains, lack of vitality and energy, poor appetite, nervousness, underweight, dizzy spells, indigestion, stomach gas, dyspepsia, intense pain in the stomach and chest, wild heart palpitation, fire-like feeling from the throat to the pit of the stomach, loss of weight, tissue, and strength, sour stomach, cramps, spitting up bits of half-digested food and hot, sour liquid, biliousness, sick headaches that last for days, constipation, yellowish complexion, painful, heavy, bloated feeling in the lower stomach, worn-out feeling, sleeplessness, neuralgia, sharp pain over the kidneys, aching back, stiffness in the back and lower limbs, frequent rising at night, spots before the eyes, swelling of the ankles, feet, and lower limbs, puffs or dark circles under the eyes, atomic constipation, and spastic constipation. The article was not an effective treatment for such conditions. The article was misbranded in this respect while held for sale after shipment in interstate commerce.

DISPOSITION: June 17, 1952. Default decree of condemnation and destruction.

4028. Misbranding of Super Lipitrons vitamin and iron capsules. U. S. v. 28 Cases, etc. (F. D. C. No. 33566. Sample Nos. 15246–L, 15247–L.)

LIBEL FILED: September 5, 1952, District of Nebraska.

ALLEGED SHIPMENT: On or about November 1, 1951, from Detroit, Mich.

PRODUCT: *Super Lipitrons vitamin and iron capsules.* 28 cases, each containing 12,000 capsules in bulk, and an unknown number of 100-capsule bottles and 250-capsule bottles of the product and a number of loose labels, in the possession of Vitamin Industries, Inc., at Omaha, Nebr.; in addition, 101 100-capsule bottles and 25 250-capsule bottles of the product were at Omaha, Nebr., in the possession of Vitamin Stores, Inc.

RESULTS OF INVESTIGATION: The product was shipped in bulk, and after arrival at Omaha, a number of capsules were repackaged by Vitamin Industries, Inc., into 100-capsule and 250-capsule bottles bearing the Super Lipitrons label.

In advertisements in an Omaha newspaper, there appeared, on July 13 and August 3, 1952, over the name and address of Vitamin Stores, Inc., at Omaha, statements in which "Lipitrons" capsules were offered to provide extra vigor and extra energy for persons over 35, and for those who are suffering from tiredness, weakness, and nervousness, or for those who are lacking in strength and vigor, because of deficiencies of vitamins B_1 and B_2, iron, and vitamin C, and for those who are now past their youth and have been blaming their tired, weak feeling on "just getting old"; to overcome deficiencies that help drag one

down and down; to reveal a whole new world of buoyant energy, vitality, and strength when the signs of advancing age are due to lack of thiamine, riboflavin, niacinamide, and vitamin C; to build new, red blood; to attack the true, basic causes of the tired feeling, poor appetite, loss of weight and strength, insomnia or sleeplessness, and other conditions of deficiencies in one's nutritional intake that may be responsible for one's condition; and to enable one to really begin to enjoy life again and to know the joy of feeling one's level best.

LABEL, IN PART: (Bottles) "Super Lipitrons Improved B Complex Vitamin C Iron Vitamin Industries Incorporated 1511 Davenport St., Omaha 2, Nebr. * * * Each Capsule Contains: Vitamin B_1---- 15 mgm. Vitamin B_2---- 6 mgm. Vitamin C---- 50 mgm. Niacinamide---- 30 mgm. Calcium Pantothenate---- 3 mgm. Vitamin B_6---- 0.5 mgm. Liver Concentrate---- 30 mgm. Choline Dihydrogen Citrate---- 20 mgm. Inositol---- 20 mgm. Iron as Ferrous Gluconate---- 30 mgm. Folic Acid---- 0.1 mgm. Vitamin B_{12} USP (Crystalline)---- 3 mcg. and dl-Methionine---- 20 mgm."

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the article in bulk and in the bottles failed to bear adequate directions for use for which it was intended. The article was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: September 17, 1952. Vitamin Industries, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency. The product was relabeled.

4029. Misbranding of Drown Radio Therapeutic Instrument. U. S. v. Ruth B. Drown (Drown Laboratories). Motion for dismissal of information denied. Plea of not guilty. Tried to court and jury. Verdict of guilty. Fine, $1,000. Judgment affirmed on appeal to Court of Appeals for Ninth Circuit. Petition for certiorari denied by Supreme Court. (F. D. C. No. 29440. Sample No. 60624-K.)

INFORMATION FILED: January 29, 1951, Southern District of California, against Ruth B. Drown, trading as Drown Laboratories, Los Angeles, Calif.

ALLEGED SHIPMENT: On or about October 28, 1948, from the State of California into the State of Illinois, of 1 *Drown Radio Therapeutic Instrument.*

The device was accompanied by certain labeling consisting of circulars entitled "The Drown Radio Diagnostic Therapeutic Photographic Instruments"; leaflets entitled "Drown Atlas"; a chart dated March 7, 1949, and entitled "The Drown Radio Therapy . . . Home Vibra Ray Diagnosis"; a chart dated February 7, 1949, and entitled "Drown Laboratory of Radio Therapy . . . Treatment Rates"; a letter signed "Dr. R. B. Drown" replying to a letter dated March 9, 1949, from Mr. Rice to Dr. Drown; a chart dated July 15, 1949, and entitled "Drown Laboratory of Radio Therapy . . . Treatment Rates"; and a letter dated August 3, 1949, from Dr. Ruth B. Drown to Mr. E. C. Rice. The device was accompanied also by 6 ampuls of drugs to be used unopened in conjunction with the operation of the device.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the accompanying labeling of the device were false and misleading since the device, when used with or without the unopened ampuls of drugs accompanying it, would not provide the therapeutic benefits stated and implied. The