

On November 20, 1952, pursuant to the above findings and conclusions, judgment of condemnation was entered and the court ordered that the products be destroyed.

4048. Misbranding of Lipitrons capsules. U. S. v. 5 Bottles, etc. (F. D. C. No. 34159. Sample No. 14547-L.)

LIBEL FILED: December 4, 1952, District of Colorado.

ALLEGED SHIPMENT: On or about September 24 and November 10, 1952, by Vitamin Industries, Inc., from Omaha, Nebr.

PRODUCT: 5 100-capsule bottles and 2 250-capsule bottles of *Lipitrons capsules* at Denver, Colo.

RESULTS OF INVESTIGATION: A poster entitled "If You Are Over 35" and on display in the store of the consignee had been supplied by the Vitamin Industries, Inc. In addition, there appeared in the September 21, 1952, issue of a local newspaper an advertisement in which *Lipitrons capsules* were offered for persons more than 35 years of age suffering from the various conditions indicated below. This advertisement was printed from a mat furnished by Vitamin Industries, Inc.

LABEL, IN PART: (Bottle) "Guardian * * * Super Forte Lipitrons Dietary Supplement Improved B Complex Vitamin C Iron * * * Each Capsule Contains: Vitamin B₁ 15 mgm. Vitamin B₂ 6 mgm. Vitamin C 50 mgm. Niacinamide 30 mgm. Calcium Pantothenate 3 mgm. Vitamin B₆ 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 B₁₂ USP (Crystalline) 3 mcg. dl-Methionine 20 mgm."

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements appearing on the poster which accompanied the article were false and misleading: "If you are over 35 If you are getting that Growing Old Feeling * * * A True Geriatric Formula Designed Especially For Advanced Age Groups To Help You Enjoy Life Again." These statements, when read and interpreted in the light of the above-mentioned newspaper advertisement, represented and suggested and created the impression that the article was effective in the treatment of persons more than 35 years old suffering from constant tiredness, lack of vigor and energy, nervousness, and a rundown condition; that it was effective to supply extra vigor and extra energy; that it was effective to enable one to really begin to enjoy life again; that it was effective to attack the basic causes of the tired feeling, poor appetite, loss of weight and strength, and insomnia or sleeplessness; that it was effective to insure persons past 35 against fear of the feeling of advancing age; and that it was effective to help build new, red blood. The article was not effective in the treatment of persons over 35 years of age suffering from such conditions, and it was not capable of fulfilling the promises of benefit stated and implied. The article was misbranded in the above respect when introduced into and while in interstate commerce.

Further misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use for the conditions and purposes for which the article was intended, namely, for persons more than 35 years old suffering from constant tiredness, lack of vigor and energy, weakness, nervousness, and a rundown condition; to supply extra vigor and extra energy; to enable one to really begin to enjoy life again; to attack the basic causes of the tired feeling, poor appetite, loss of weight and strength, and insomnia or sleeplessness; to

insure persons past 35 against fear of the feeling of advancing age; and to help build new, red blood, which were the conditions and purposes for which the article was offered in the September 21, 1952, issue of a local newspaper. The article was misbranded in this respect when introduced into, while in, and while held for sale after shipment in, interstate commerce.

DISPOSITION: January 23, 1953. Default decree of condemnation. The court ordered that the product be delivered to the hospital ward of a Federal institution, for use in the treatment of patients requiring the prescribing of vitamin preparations.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS

4049. Adulteration and misbranding of conjugated estrogen tablets. U. S. v. 3 Bottles, etc. (F. D. C. No. 33586. Sample Nos. 41220-L, 41221-L.)

LIBEL FILED: September 12, 1952, Western District of Washington.

ALLEGED SHIPMENT: On various dates from outside the State of Washington.

PRODUCT: 3 500-tablet bottles of *No. 105 conjugated estrogen tablets* and 5 500-tablet bottles and 2 1,000-tablet bottles of *No. 106 conjugated estrogen tablets* at Seattle, Wash.

Analysis showed that the *No. 105 conjugated estrogen tablets* and the *No. 106 conjugated estrogen tablets* contained 0.94 milligram and 0.475 milligram, respectively, per tablet of conjugated estrogens expressed as sodium estrone sulfate.

LABEL, IN PART: (Bottle) "No. 105 1.25 mg. [or "No. 106 0.625 mg."] Estrogenic Substances (Water-Soluble) Conjugated Estrogens (Equine) Each tablet contains 1.25 mg. [or "0.625 mg."] of estrogens in their naturally occurring, water-soluble conjugated form, expressed as sodium estrone sulfate. Distributed by Palmer & Co. Seattle, Wash."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the *No. 105 conjugated estrogen tablets* and the *No. 106 conjugated estrogen tablets* differed from that which they purported and were represented to possess.

Misbranding, Section 502 (a), the label statements "Each tablet contains 1.25 mg. of estrogens in * * * conjugated form, expressed as sodium estrone sulfate" and "Each tablet contains 0.625 mg. of estrogens in * * * conjugated form, expressed as sodium estrone sulfate," respectively, were false and misleading as applied to the tablets, which contained less than the declared amounts of estrogens in conjugated form.

DISPOSITION: April 3, 1953. Default decree of condemnation and destruction.

4050. Adulteration and misbranding of vitamin B complex capsules. U. S. v. 700 Capsules, etc. (F. D. C. No. 34539. Sample No. 56845-L.)

LIBEL FILED: January 7, 1953, Northern District of Ohio.

ALLEGED SHIPMENT: On or about September 29, 1952, by Fellows Medical Mfg. Co., Inc., from New York, N. Y.

PRODUCT: *Vitamin B complex capsules.* 700 capsules and 32 bottles, each bottle containing 50 capsules, at Cleveland, Ohio. Analysis showed that the product contained approximately 76 percent of the declared amount of vitamin B₁.

LABEL, IN PART: "Fellows * * * Vitamin B-Complex Capsules Each Capsule Contains * * * Thiamine Hydrochloride (10 M. D. R.) 10 Mg. * * * Therapeutic."