

ing it would trap emanating odors; that it was efficacious as a douche for cancer and infections of the cervix and vagina; that because of its high phenol coefficient it might be diluted 300 to 400 times and still retain its antiseptic properties; and that it would be efficacious as a safeguard against fungi and "parasitical infections" of animals, were false and misleading, since its phenol coefficient was less than 1 and it would not be efficacious for the purposes claimed. It was alleged to be misbranded further in that its label did not contain the common or usual names of the active ingredients.

On October 25, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

689. Misbranding of Lash's Bitters. U. S. v. 28 Bottles of Lash's Bitters. Default decree of condemnation and destruction. (F. D. C. No. 6772. Sample No. 85438-E.)

On January 31, 1942, the United States attorney for the District of Oregon filed a libel against the above-named product at Portland, Oreg., alleging that it had been shipped on or about October 27, 1941, by Lash, Inc., from Anaheim, Calif.; and charging that it was misbranded.

Analysis of a sample of the article showed that it was essentially a water-alcohol extract of laxative plant drugs such as cascara sagrada and senna.

It was alleged to be misbranded in that statements on the label which represented that it was a regulator, that it would exert a beneficial influence upon the digestive organs, that it was an adequate remedy for indigestion, headaches, and loss of appetite arising from imperfect digestion, and that its use as an adequate treatment for chronic constipation were false and misleading since it would not be efficacious for such purposes. It was alleged to be misbranded further in that the following statements were false and misleading since frequent or continued use would be likely to result in a state of dependence upon laxatives to move the bowels: "The system does not become habituated to its use. Its properties do not cause the harsh after effects which may accompany cathartics."

On March 25, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

690. Misbranding of Todd's Capsules. U. S. v. 28 Packages and 11 Packages of Todd's Capsules. Default decree of condemnation and destruction. (F. D. C. No. 6307. Sample Nos. 79317-E, 79328-E.)

On December 1, 1941, the United States attorney for the Northern District of Ohio filed a libel against 28 packages each containing 6 yellow boxes of 50 capsules each; and 11 packages each containing 1 orange box, 2 green boxes, and 3 yellow boxes of 50 capsules each, at Canton, Ohio, alleging that the article had been shipped within the period from on or about August 16 to on or about November 21, 1941, by J. E. Todd, Inc., from Kenmore, N. Y.; and charging that it was misbranded.

Examination of samples of the article showed that the capsules consisted essentially of magnesium oxide (approximately 0.16 grains), calcium carbonate (approximately 2 grains), sodium bicarbonate varying in the different colored boxes from 2.1 to 3.8 grains, a gum resin such as olibanum, small proportions of an iron compound and sulfur, and sand varying from 2.5 to 4.3 grains per capsule.

The article was alleged to be misbranded in that the following statements on the label, "For relief of conditions of excessive acidity in the human body and the gradual alleviation in that way of aches and pains that may be symptoms of or associated with those conditions, which symptoms may be popularly referred to as 'rheumatic' * * * Caution: No immediate relief may be expected from these capsules and they should be allowed a reasonable time, according to particular conditions in each indicated case, for the best possible results," were false and misleading since it was not an adequate treatment for conditions and symptoms popularly referred to as "Rheumatic" and would not effect relief from such conditions after a reasonable, or after any other, time.

On February 26, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

691. Misbranding of Hi-V Vitamins capsules. U. S. v. 48 Dozen and 24 Dozen Cartons of Hi-V Vitamins. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6927. Sample No. 87506-E.)

The labeling of this product bore false and misleading claims regarding its efficacy to restore and maintain health and prevent or correct disease conditions, and represented that it contained all the vitamins essential in normal nutrition;

but it did not contain riboflavin or nicotinic acid, two substances whose absence from the diet may be the cause of vitamin deficiency diseases.

On February 25, 1942, the United States attorney for the District of Maryland filed a libel against 72 dozen cartons of Hi-V Vitamins at Baltimore, Md., alleging that the article had been shipped on or about January 19, 1942, by the Hi-V Vitamin Corporation from New York, N. Y.; and charging that it was misbranded. It was labeled in part: "6250 U. S. P. Units Vitamin A (from fish liver oils) 350 Int. Units Vitamin B₁ (Thiamin chloride) 300 U. S. P. Units Vitamin C (Ascorbic acid) 625 U. S. P. Units Vitamin D (Irradiated Ergosterol)."

The article was alleged to be misbranded in that statements in an accompanying circular entitled "What You should know about Vitamins," representing, suggesting, and creating in the mind of the reader the impression that health could be assured by its consumption; that the average individual requires vitamin supplements of the type that it supplied in order to obtain maximum health; that the average individual is likely to be suffering from lack of vitality, lack of energy, poor appetite, and impaired digestion because of inadequate vitamin intake from his food; that its consumption as directed, in the majority of cases, would prevent or correct the disease conditions resulting from inadequate vitamin intake; and that it contained all the vitamins essential in normal nutrition, were false and misleading since it would not fulfill the promises implied and it did not contain riboflavin or nicotinic acid, two vitamins essential in normal nutrition.

It also was alleged to be misbranded under the provisions of the law applicable to foods, as reported in F. N. J. No. 3644.

On March 26, 1942, the Hi-V Vitamin Corporation having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled. On the same date the product was relabeled by removal from the carton of the circular entitled "What You should know about Vitamins."

692. Misbranding of Tu-Way Massagers. U. S. v. 15 Tu-Way Massagers. Default decree of condemnation and destruction. (F. D. C. No. 6268. Sample No. 66325-E.)

This massaging device consisted of a series of rubber-covered disks, attached to a handle, which were to be rolled over portions of the body. It would not be efficacious to reduce weight or to stimulate the activity of the liver, as claimed in the labeling.

On December 2, 1941, the United States attorney for the Northern District of Illinois filed a libel against 15 Tu-Way Massagers at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 21, 1941, by the Edw. W. Arnold Co. from Logansport, Ind.; and charging that it was misbranded.

The article was alleged to be misbranded in that statements appearing in the accompanying circular which represented that it was founded on an exact scientific principle and would positively reduce the fat spots and beautify the body and figure; that it would bring about a gradual fat reduction and cause flabby fat to disappear; would break down the fat in a natural and healthful way; would break down the fatty deposits so that they would be oxidized (burned up) within the body, with the result that the residue would be carried away by the blood stream and eliminated through the organs of elimination, leaving the flesh more firm and solid; that it would be wonderfully soothing and strengthening to tired, aching neck, and shoulders and would stimulate the circulation and relieve congested or tight feeling often felt between the shoulders; that it would be efficacious in correcting fleshy, corpulent, and pendulous abdomens; and would stimulate activity of the liver; were false and misleading since it would not be efficacious for such purposes.

On January 21, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

693. Misbranding of Ultrasol. U. S. v. 2 Kits and 6 Kits of Ultrasol. Default decree of condemnation and destruction. (F. D. C. No. 6062. Sample No. 74710-E.)

The labeling of this product bore false and misleading representations regarding its efficacy to promote hair growth and to prevent hair loss and premature graying.

On or about October 25, 1941, the United States attorney for the District of New Jersey filed a libel against 8 kits of Ultrasol at East Orange, N. J., alleging that the article had been shipped in interstate commerce on or about September