

**ALLEGED VIOLATIONS:** On or about 2-6-58, the defendant caused an article of drug consisting of 2 bottles of *Abundavita mineral tablets*, 1 bottle of *Abundavita vitamin tablets*, 1 bottle of *Abundavita protein tablets*, and 1 bottle of *Abundalax tablets* to be sold and delivered to an individual at Newport, Ky., without labeling bearing adequate directions in the use of the article for the purposes and conditions for which the article was intended, which act resulted in the article being misbranded while held for sale after shipment in interstate commerce.

**LABEL IN PART:** (Btl.) "Abundavita Food Supplement Vitamin Tablets [or "Mineral Tablets" or "Isolated Vegetable Protein Number One Tablets"]" and "Abundalax A Vegetable Laxative."

**CHARGE:** 502(f)(1)—the labeling of the article failed to bear adequate directions for use for the purposes for which it was intended, namely, for the treatment of cancer, multiple sclerosis, arthritic deformans, cirrhosis of the liver, diabetes, female trouble, and irritation in the pancreas; and for curing all diseases, reducing weight, increasing vitality, and improving health, which were the purposes and conditions for which the article was represented orally by the defendant.

**PLEA:** Not guilty.

**DISPOSITION:** The case came on for trial before the court and jury on 9-24-58. On this same date, after the Government's witnesses had concluded their testimony, the defendant made a motion of acquittal which was sustained by the court.

**5747. Super Protein Formula "90" tablets and Formula "90" Supplement capsules.**  
(F.D.C. No. 41937. S. No. 24-116 P.)

**QUANTITY:** 39 cases of 24 pkgs., each pkg. containing 1 180-tablet btl., and 1 15-capsule btl.; 32 cases of 12 pkgs., each pkg. containing 1 360-tablet btl., and 1 30-capsule btl.; 139 empty 30-capsule size btl.; and 33 empty 360-tablet size btl., at Phoenix, Ariz.

**SHIPPED:** 7-3-57, from Hollywood, Calif., by Hi-Pro Products Co.

**LABEL IN PART:** (Filled btl.) "MpDs \* \* \* Super Protein Formula "90" \* \* \* MpDs is a Balanced Protein Food Supplement"; "Formula "90" Supplement REDUCING \* \* \* to be taken in conjunction with MpDs SUPER PROTEIN TABLETS \* \* \* Each tablet contains: Sodium Carboxy Methyl Cellulose . . . 8 grains Phenylasitin (conc. Prune) . . . 0.5 Mg."; (empty btl.) "Formula "90" Supplement \* \* \* an aid to reducing 30 capsules"; "MpDs \* \* \* Super Protein Formula "90" \* \* \* 360 tablets."

**ACCOMPANYING LABELING:** Pamphlets and placards entitled "Why Be Fat"; and window streamers entitled "MpDs \* \* \* Why Be Fat? Reduce."

**LIBELED:** 7-24-58, Dist. Ariz.

**CHARGE:** 502(a)—the labeling of the articles, when shipped, contained false and misleading representations that the articles contained no calories, would burn up extra fat, increase metabolism, and otherwise act as an adequate and effective treatment for obesity; and 502(f)(2)—the Formula "90" Supplement contained an irritant laxative, and its labeling failed to warn that it should not be used when symptoms of appendicitis are present, and that frequent or continued use of such article may result in dependence on laxatives.

**DISPOSITION:** 9-15-58. Default—destruction.