

R. I., alleging that the article had been shipped in interstate commerce on or about November 10, 1941, by Roma Extract Co., Inc., from Boston, Mass.; and charging that it was misbranded.

Analysis of a sample of the article showed that it consisted essentially of extracts of plant drugs including senna, Rochelle salt (approximately 0.28 percent), sodium bicarbonate (2.5 percent), santolin (0.027 percent), flavoring materials (including methyl salicylate), sugar, and water. Examination showed that the carton containing the bottle was approximately 1½ inches taller than the bottle.

The article was alleged to be misbranded: (1) In that the statements on the retail carton and on the carton containing 1 dozen retail packages, "A Reliable Remedy for * * * Diarrhea due to Constipation, Worms, and Promotes Sleep by Overcoming these Disorders," were false and misleading since they created the impression that it was a reliable remedy for diarrhea due to constipation and worms, and would promote sleep by overcoming diarrhea due to constipation and worms; whereas it would not be efficacious for such purposes. (2) In that the names of its active ingredients did not appear on the label in such terms as to render them likely to be understood by the ordinary individual under customary conditions of purchase and use since the statement on the cartons. "Formula Alex. Senna, Pumpkin Seed, Anise Seed, Peppermint, Sod, Bicarbonate, Rochelle Salt, Worm Seed, Clarified Sugar, Wintergreen Flavor," did not reveal which of the substances mentioned were active ingredients. (3) In that its label failed to bear the common or usual name of each active ingredient since the label attached to the bottle did not contain the names of the active ingredients. (4) In that its container was so made and filled as to be misleading since the carton was materially larger than necessary to hold the bottle.

On April 22, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

783. Misbranding of Re-Duce-Oids Capsules. U. S. v. 53 Bottles of Re-Duce-Oids Capsules. Default decree of condemnation and destruction. (F. D. C. No. 5198. Sample No. 61308-E.)

On August 2, 1941, the United States attorney for the Eastern District of Washington filed a libel against 53 bottles of Re-Duce-Oids Capsules at Spokane, Wash., alleging that the article had been shipped in interstate commerce within the period from on or about April 7 to on or about June 9, 1941, by American Medicinal Products, Inc., from Los Angeles, Calif.; and charging that it was misbranded.

Analysis showed that the article was essentially a mixture of thyroid, potassium iodide, phenolphthalein, and milk sugar. Each capsule contained 0.92 grain of potassium iodide and 0.5 grain of thyroid.

The article was alleged to be misbranded in that the statements in the labeling which represented and suggested that it was an adequate and appropriate treatment for obesity were false and misleading, since it would not be efficacious for that purpose when used in accordance with the directions.

On September 11, 1941, the American Medicinal Products Co., claimant, having petitioned for a change of venue, an order was entered by the court transferring the action to the Northern District of California; and on September 18, 1941, the marshal was ordered to transmit the seized goods to that district. On July 13, 1942, the claimant having withdrawn its claim and answer, judgment of condemnation was entered and the product was ordered destroyed.

784. Misbranding of Special Formula 833. U. S. v. 130 Bottles of Special Formula 833. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 5956. Sample No. 51636-E.)

On October 4, 1941, the United States attorney for the District of Connecticut filed a libel against 130 bottles of Special Formula 833 at East Hampton, Conn., alleging that the article had been shipped in interstate commerce on or about June 13, 1941, by Brewer & Co., Inc., from Worcester, Mass.; and charging that it was misbranded.

Biological examination of a sample of the article showed that it contained approximately 1 milligram (333 International Units) of vitamin B₁ (thiamine chloride) per tablet.

It was alleged to be misbranded in that the following statements in the labeling were false and misleading since it would not constitute an adequate or effective treatment for the conditions mentioned nor would it be of especial value for

elderly men and women: "Vitamin B₁. Deficiency of this valuable vitamin may cause constipation, loss of vigor, various nervous and other important symptoms. This preparation is of especial value to elderly men and women."

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

On June 12, 1942, Brewer & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Federal Security Agency.

785. Misbranding of S-T-D "The" Hair Tonic. U. S. v. 4 Bottles, 21 Bottles, and 1 Bottle of S-T-D "The" Hair Tonic. Default decree of condemnation and destruction. (F. D. C. No. 7339. Sample No. 90314-E.)

On April 14, 1942, the United States attorney for the District of Massachusetts filed a libel against the above-named product at Springfield, Mass., alleging that it had been shipped in interstate commerce on or about December 17, 1941, by George A. Dustin from Chicago, Ill.; and charging that it was misbranded.

Analysis showed that the article consisted essentially of small proportions of potassium arsenite, sodium borate, and water. The potassium arsenite contained arsenic equal to 0.2 gram per 100 cc.

The article was alleged to be misbranded in that the following statements on the bottle labels were false and misleading: (Front) "Stops the Dandruff 'The' Hair Tonic for Dandruff Falling Hair Itching Scalp and all Scalp Ailments"; (back) "Wet Scalp with Ess-Tee-Dee Hair Tonic and massage every day until scalp is free from dandruff. * * * For best results, shampoo the hair once each week, then apply Ess-Tee-Dee Hair Tonic after hair has dried and continue applications every third or fourth day until scalp is free from dandruff and then use Tonic only as often as it is necessary to keep the scalp in a clean and healthy condition. * * * 'The' Hair Tonic."

It was also alleged to be misbranded under the provisions of the law applicable to cosmetics, as reported in C. N. J. No. 90.

On June 15, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

786. Misbranding of Vita Might Capsules. U. S. v. 9 Packages of Vita Might Capsules and 2 Cartons of Circulars. Default decree of condemnation and destruction. (F. D. C. No. 7509. Sample Nos. 80174-E, 80175-E.)

This product consisted of red capsules containing vitamins and black capsules containing minerals. The black capsules contained smaller amounts of minerals than those declared, and the labeling of both kinds of capsules bore false and misleading therapeutic claims.

On May 14, 1942, the United States attorney for the Northern District of Ohio filed a libel against 9 packages of Vita Might Capsules, and 2 cartons each containing approximately 1,500 circulars, at Cleveland, Ohio, alleging that they had been shipped in interstate commerce on or about February 28, 1942, by the Vital Foods Corporation from Chicago, Ill.; and charging that the article was misbranded.

Analysis of a sample of the black capsules showed that they contained dicalcium phosphate, peptonized iron, magnesium sulfate, manganese hypophosphite, copper peptonate, zinc sulfate, and potassium iodide. Vitamin assays of the red capsules showed that they contained 10,000 U. S. P. units of vitamin A, 1,000 U. S. P. units of vitamin B₁, and 1,000 U. S. P. units of vitamin D per capsule.

The article was alleged to be misbranded: (1) In that the black capsules failed to contain the represented amounts of iron, copper, zinc, magnesium, and manganese declared on the label, namely, "Iron $\frac{3}{4}$ Gr. Copper $\frac{7}{8}$ Gr. Zinc $\frac{1}{25}$ Gr. Magnesium $\frac{2}{3}$ Gr. Iodine $\frac{3}{2000}$ Gr. Manganese $\frac{2}{3}$ Gr." (2) In that certain statements in the labeling were false and misleading since they represented and suggested that its use would result in longer life, good health, increased vigor, ambition and energy, improved sleep, lessening of fatigue, aches, pains and nervous strain; increased resistance to disease, colds and coughs; in beautiful teeth, skin, and hair; better digestion of food; healthy hair and skin; in growth, appetite, and muscular activity; freedom from skin disorders; good blood, fertility, and good teeth; that two out of three individuals are in need of vitamin supplements; and that the vitamin and mineral requirements of man cannot be obtained by consumption of ordinary foods; whereas its use would not accomplish such results, two out of three individuals are not in need of a vitamin supplement, and the vitamin and mineral needs of man can be obtained by consumption of