

elderly men and women: "Vitamin B<sub>1</sub>. 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 B<sub>1</sub>, 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

ordinary foods. (3) In that statements in the labeling regarding the efficacy of vitamins and minerals to promote healthy hair and skin; prevent night blindness; build resistance to colds, coughs, sinus; promote growth, healthy nerves, appetite, digestion, and muscular activity; minimize effects of alcohol; prevent certain skin disorders; heal lesions of lips at angles of mouth and of eyes and nose; promote growth and healing of wounds; prevent anemia, hemorrhage, pyorrhea, tuberculosis, and scurvy; form bones and teeth; prevent rickets; cure certain muscular and nerve diseases; restore color to gray hair; produce red corpuscles; produce hemoglobin; promote normal growth of body cells; influence muscle activity, digestion, and nerves; promote reproduction and growth; prevent goiter; aid heart, blood clotting, and brain cells; promote healthy bones and blood; and promote fertility, were misleading since alone or in connection with each other, they created the impression in the mind of the reader that it was an effective treatment for the symptoms and diseases mentioned and described; whereas it was not an effective treatment for such conditions.

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

**787. Misbranding of Vita-Port Vitamin B<sub>1</sub> Tonic. U. S. v. 141 Bottles of Vita-Port Vitamin B<sub>1</sub> Tonic. Default decree of condemnation and destruction. (F. D. C. No. 7539. Sample No. 87177-E.)**

On May 20, 1942, the United States attorney for the District of Columbia filed a libel against 141 bottles of Vita-Port Vitamin B<sub>1</sub> Tonic at Washington, D. C., alleging that the article was being offered for sale in the District of Columbia at the Super Cut Rate Drugs, Washington, D. C.; and charging that it was misbranded. The article was labeled in part: "Each fluid ounce contains thiamine hydrochloride (Vitamin B<sub>1</sub>) . . . 4 mg. (Equivalent to 1330 International Units) Alcohol 20 Per cent."

It was alleged to be misbranded in that the following statements in the labeling, "Here's Health! \* \* \* Recommended for Underweight—Loss of Appetite Nervousness," were false and misleading since it would not be an effective treatment for such conditions.

It was also alleged to be misbranded under the provisions of the law applicable to foods, as reported in F. N. J. No. 3841.

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

**788. Misbranding of wheat embryo. U. S. v. 34 Cans of Wheat Embryo. Default decree of condemnation and destruction. (F. D. C. No. 6807. Sample No. 76077-E.)**

On February 6, 1942, the United States attorney for the District of Minnesota filed a libel against 34 cans of wheat embryo at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about February 27, 1941, by Freshman Vitamin Co. from Detroit, Mich.; and charging that it was misbranded. It was labeled in part: "Dr. Ray Wheat Embryo."

It was alleged to be misbranded in that the statement on the label, "When indicated in Gastro-Intestinal Disorders, Dr. Ray Wheat Embryo should be cooked in with cereal for five minutes," was false and misleading in that it would imply that the article was of significant value in the treatment of all types of gastrointestinal disturbances; whereas it was not.

The article was also charged to be misbranded under the provisions of the law applicable to drugs, as reported in F. N. J. No. 3842.

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

**789. Misbranding of Wise's Kollesol Tablets. U. S. v. 45 Bottles of Wise's Kollesol Tablets. Default decree of condemnation and destruction. (F. D. C. No. 7126. Sample No. 92501-E.)**

On April 1, 1942, the United States attorney for the Southern District of California filed a libel against 45 bottles, each containing 300 tablets, of Wise's Kollesol at Los Angeles, Calif., alleging that the article had been shipped on or about January 22, 1942, by Wise's K. C. Homeopathic Pharmacy from Kansas City, Mo.; and charging that it was misbranded.

Analysis of a sample of the article showed that it consisted essentially of oxyquinoline sulfate, potassium sulfate, and lactose.