

The article was alleged to be misbranded because of false and misleading statements in the labeling which represented and suggested that it would be an effective treatment for pellagra and beriberi; that it would be effective as a preventative of mental diseases; that it would be an effective treatment and preventative of skin eruptions, brown scaly patches in localized areas, indigestion, and disturbances of the nervous system; that it would prevent sterility and promote the maturing of the normal germ cell in the male and the natural placental functioning in the female; that it would promote health, vigor, strength, and energy, and would benefit man, woman, or child who was undernourished or who required a general toning up; that it would improve the appetite, aid growth, and induce the normal functioning of the nervous system and intestinal tract; and that it would insure normal reproduction and lactation in mothers. The article would not be effective for such purposes.

It was alleged to be misbranded further in that the statements in the labeling which represented and suggested and created the impression that the disease conditions and functional impairment for which the product was recommended as stated above are usually the result of lack of vitamin B₁, riboflavin, and nicotinic acid, and that the reader might reasonably expect correction and alleviation of such conditions by the use of the article, were misleading since such conditions are not usually the result of lack of the vitamins named, but usually result from other causes, and the reader might not reasonably expect their correction and alleviation since the article would not ordinarily be effective for such purposes.

The article was also alleged to be misbranded under the provisions of the law applicable to food, as reported in notices of judgment on food, No. 5784.

On October 21, 1943, a plea of guilty was entered to all charges and the court imposed a fine of \$100, which covered both counts of the information.

1078. Misbranding of Vigor 8. U. S. v. 60 Cases of Vigor 8 and 2,000 Leaflets. Default decree of condemnation and destruction. (F. D. C. No. 9806. Sample No. 37662-F.)

On April 19, 1943, the United States attorney for the Eastern District of Michigan filed a libel against 60 cases, each containing 12 10-ounce jars of Vigor 8, and 2,000 leaflets entitled "Charles D. Kasher's Health and Beauty Chart," at Detroit, Mich., alleging that the article and the leaflets had been shipped on or about March 23, 1944, by the Royal Products Co., Chicago, Ill.; and charging that the article was misbranded.

Examination disclosed that the article contained dried brewers' yeast, corn flour, corn germ, and wheat germ.

It was alleged to be misbranded in that the statements, designs, and devices on the labels attached to the jars and in the above-mentioned leaflets were false and misleading since they represented and suggested that the article was of significant nutritional value by reason of the presence of vitamin B₆, vitamin E, and other factors of the B complex as found in brewers' yeast, and the elements potassium, sulfur, sodium, magnesium, copper, zinc, chlorine, and manganese; and that consumption of the product would insure normal functioning of the various organs of the body, and would prevent and correct abnormalities of those organs and such disease conditions as cold infection, ulceration, stone formation, cystitis, spasms, cramps, exhaustion, inflammation, paralysis, conjunctivitis, cataract, night blindness, scaliness, dryness and paleness of the skin, skin sores, gum infections, scurvy, loose teeth, and diabetes, whereas the article was not of significant nutritional value by reason of the presence of the vitamins, factors, and elements mentioned, and consumption of the article would not insure normal functioning of the various organs of the body and would not prevent or correct abnormalities of those organs, or the disease conditions mentioned and suggested.

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 July 16, 1943, no claimant having appeared, judgment of condemnation was entered and the product and the leaflets were ordered destroyed.

1079. Misbranding of Cellasin No. 1 Tablets. U. S. v. 22 Bottles of Cellasin No. 1 Tablets. Consent decree of condemnation and destruction. (F. D. C. No. 8891. Sample No. 21747-F.)

On November 19, 1942, the United States attorney for the Western District of Pennsylvania filed a libel against 22 bottles, each containing 200 tablets, of Cellasin No. 1 at Pittsburgh, Pa., alleging that the article had been shipped by the American Ferment Co., from Buffalo, N. Y., on or about October 20, 1942; and charging that it was misbranded. The article was labeled in part: "Active