

branded in that the name "DPS Formula 103" was a false and misleading device which represented and suggested that the article was efficacious for the following conditions: Scanty or difficult menstruation, amenorrhea, dysmenorrhea, delayed puberty, delayed menstruation, painful breasts, hot flushes, menopause, ovariectomy, and sexual asthenia.

The DPS Formula 105 was labeled in part: "Three Tablets Provide I. U. Vitamin A 5 Mg. Vitamin E in a base of the following inert desiccated glandular substances: Orchic, Prostate, Whole Adrenal, Anterior Pituitary, Suprarenal Cortex \* \* \* The vitamin A is from fish liver oil concentrate; the vitamin E is from mixed natural tocopherols." It was alleged to be misbranded in that the name "DPS Formula 105" was a false and misleading device which represented and suggested that the article was efficacious as a treatment of impotence, sterility, lowered sex-tone, apathy, mental lethargy, and as a complete support of the male sex function.

The libel alleged further that the devices had acquired the above-described meanings by reason of the fact that the manufacturer of the articles had supplied and, together with his agents and employees and distributors, had disseminated to prospective purchasers of the articles the booklet entitled "DPS DARTELL FORMULAE," which disclosed that the articles were designed and intended for the conditions mentioned above.

The articles known as DPS Formulae 52, 57, 58, 61, and 100 were also misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

On October 16, 1943, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

**1125. Misbranding of DPS Formula 56. U. S. v. 8 Bottles of DPS Formula 56. Default decree of condemnation and destruction. (F. D. C. No. 9890. Sample No. 15356-F.)**

On May 24, 1943, the United States attorney for the District of Colorado filed a libel against 8 bottles of DPS Formula 56 at Denver, Colo., alleging that the article, which had been consigned by the Dartell Professional Service, had been shipped on or about March 26, 1943, from Los Angeles, Calif.; and charging that it was misbranded.

The article was alleged to be misbranded in that the name "DPS FORMULA 56," appearing on its label, was false and misleading as applied to the product, each gram of which consisted essentially of (label) "Vitamins A, 80,000 USP XI units; Vitamin D, residual amounts as carried with Vitamin A," since the name was a device which represented and suggested to the purchaser that the article was efficacious for the following conditions: Nephritis, conjunctivitis, otitis media, upper respiratory disorders, kidney stones, eye weakness and inflammations, renal and urinary calculi, infection or high fevers, involvement of the mucosae, pregnancy, and lactation, whereas it was not efficacious for such conditions; and that the device acquired such meaning by reason of the fact that the manufacturer had supplied, and, together with his agents, employees, and distributors, had disseminated to prospective purchasers of the article a certain booklet entitled "DPS Dartell Formulae," which disclosed that the article was designated and intended for the above-named conditions.

On July 7, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1126. Misbranding of Papaya Concentrate. U. S. v. 12 Bottles and 4 Bottles of Papaya Concentrate. Default decree of destruction. (F. D. C. No. 10142. Sample No. 43991-F.)**

On or about June 28, 1943, the United States attorney for the Western District of Missouri filed a libel against 12 1-quart bottles and 4 1-gallon bottles of Papaya Concentrate at Kansas City, Mo., alleging that the article, which had been consigned on or about April 19, 1943, had been shipped from Chicago, Ill., by Macu Fruit Products; and charging that it was misbranded. The article was labeled in part: "Macu Brand Papaya Concentrate."

Examination disclosed that the article contained papaya pulp, seeds, and sugar.

The article was alleged to be misbranded because of false and misleading statements on its label and in the circular entitled "Drink Papaya (Fruta Bomba)," which represented and suggested that the article, when used as directed, was a rich source of vitamins, was a valuable aid to digestion, and would be of value in such conditions as gastritis, diphtheria, ulcers, bowel disorders, dyspepsia, croup, cancer, and gastric fermentation.