

condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration. On January 6, 1944, no claimant having appeared for the Spokane lot, judgment of condemnation was entered and the product was ordered delivered to hospitals and other suitable charities for medicinal purposes. Thereafter, the Roundup Grocery Co., Spokane, Wash., and the Penn-Champ Oil Corporation appeared as claimants for the Spokane lot, and on March 11, 1944, a supplemental decree was entered ordering that the product be released under bond for relabeling in a manner suitable to the Food and Drug Administration.

1183. Misbranding of Colestin Natural Mineral Water. U. S. v. 9 Cases of Colestin Natural Mineral Water. Default decree of condemnation and destruction. (F. D. C. No. 11032. Sample No. 11173-F.)

On November 1, 1943, the United States attorney for the Southern District of California filed a libel against 9 cases, each containing 24 bottles, of the above-named product at Lompoc, Calif., alleging that the article had been shipped on or about September 8, 1943, by the Colestin Mineral Water Co., from Medford, Oreg.; and charging that it was misbranded.

Examination of the article disclosed that it was mineral water containing about 0.29 percent dissolved mineral matter.

The article was alleged to be misbranded because of false and misleading statements on its label which represented and suggested that the article was effective for kidney, stomach, and rheumatic troubles, biliousness, and similar conditions.

On December 28, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1184. Misbranding of Buffalo Mineral Water. U. S. v. 37 Bottles of Buffalo Mineral Water. Default decree of condemnation and destruction. (F. D. C. No. 10930. Sample No. 46387-F.)

On October 21, 1943, the United States attorney for the Eastern District of North Carolina filed a libel against 37 5-gallon bottles of Buffalo Mineral Water at Wake Forest, N. C., alleging that the article had been shipped on or about June 21, 1943, by the Buffalo Mineral Springs Co., Inc., from Buffalo Springs, Va.; and charging that it was misbranded.

Examination disclosed that the article was a lightly mineralized water.

The article was alleged to be misbranded because of false and misleading statements appearing in the leaflet entitled "Perhaps . . . You Might Wish to Know," which represented and suggested that the article would improve or restore health; and that it was an unexcelled diuretic and would be of great benefit in the treatment of kidney disorders, diabetes, renal calculi (stone in the bladder), inflammation of the bladder, Bright's disease, constipation, stomach disorders, indigestion, gastro-intestinal disorders, jaundice, liver disorders, alcoholism, rheumatism, neuritis, arthritis, disorders of the nervous system, influenza, colds, and children's diseases.

On December 11, 1943, no claimant having appeared, judgment of condemnation was entered and it was ordered that the contents of the bottles containing the articles be destroyed and that the empty bottles, after the removal of the labels thereon, be returned to the Buffalo Mineral Springs Co., Inc.

1185. Misbranding of Vita-Pure B-Complex Vitamins. U. S. v. 16 Display Cards of Vita-Pure B-Complex Vitamins. Decree of condemnation and destruction. (F. D. C. No. 10944. Sample No. 36265-F.)

On October 20, 1943, the United States attorney for the District of Colorado filed a libel against 16 display cards to each of which were attached 24 small cartons, each containing 10 tablets, of Vita-Pure B-Complex Vitamins at Colorado Springs, Colo., alleging that the article, which had been consigned by the Roisman Products Co., had been shipped from Oklahoma City, Okla., on or about March 30, 1943; and charging that it was misbranded. The article was labeled in part: "Each Tablet Contains: Vitamin B₁ (Thiamine Chloride) 333 U. S. P. Units Vitamin B₂ (G) Riboflavin 500 micrograms."

Examination disclosed that the article contained not more than 266 U. S. P. Units of vitamin B₁ per tablet, and that it contained approximately the amount of vitamin B₂ declared on its label.

The article was alleged to be misbranded in that the statements appearing in its labeling which represented and suggested that the article would be efficacious in the prevention and correction of nervousness, loss of appetite, mental depres-

sion, skin disorders, weakness, neuritis, constipation, fatigue, faulty memory, and nutritional anemia; that it would help keep one feeling fit; and that 1 tablet per day of the article would afford the average minimum requirements of adult persons for B-complex vitamins, were false and misleading since the article would not effect the results suggested or implied, and it would not furnish the minimum adult requirements for vitamin B₂, one of the B-complex vitamins.

The article was also alleged to be misbranded under the provisions of the law applicable to foods, as reported in the notices of judgment on foods.

On October 30, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1186. Misbranding of Huzzah A Vitamin B₁ & B₂ Supplement. U. S. v. 42 Cases of Huzzah A Vitamin B₁ & B₂ Supplement, and 33 Cartons of Printed Material. Default decree of condemnation and destruction. (F. D. C. No. 12276. Sample No. 54833-F.)

On May 5, 1944, the United States attorney for the Eastern District of Wisconsin filed a libel against 42 cases, each containing 12 1-pint bottles, of the above-named article, and 33 cartons of printed material, containing a supply of circulars, a number of leaflets, and a number of display cards and streamers, at Milwaukee, Wis., alleging that the article and printed material had been shipped in interstate commerce on or about November 20, 1943, from Chicago, Ill., by the Huzzah Corporation of America; and charging that the article was misbranded. The printed material was entitled: (Circular) "What Is Huzzah," (leaflet) "Huzzah A Vitamin Drink Supplement," and (display card and streamer) "Feel Better Tomorrow."

Examination showed that the article was essentially a water solution of glycerin, caramel, and phosphoric acid, and that it contained vitamin B₁ and riboflavin.

The article was alleged to be misbranded in that the statements in its labeling which represented and suggested that use of the article would prevent physiological reactions due to overindulgence in alcoholic beverages; that it would prevent or correct the various conditions named, which included low resistance to alcoholic stimulants, nervousness, exhaustion, a fagged-out feeling, headaches, faulty digestion, lack of appetite, stunted growth, polyneuritis, and certain skin disorders; and that it would insure energy and strength, were false and misleading since the article would not accomplish the results stated or implied.

The article was also alleged to be misbranded under the provisions of the law applicable to foods, as reported in the notices of judgment on foods, No. 6200.

On June 13, 1944, no claimant having appeared, judgment of condemnation was entered and the product, together with the printed material, was ordered destroyed.

1187. Misbranding of Himrod's Asthma Powder. U. S. v. 19 Dozen Packages of Himrod's Asthma Powder. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 6536. Sample No. 74166-E.)

On December 18, 1941, the United States attorney for the Eastern District of New York filed a libel against 19 dozen packages of the above-named product at Brooklyn, N. Y.; alleging that the article had been shipped from Hoboken, N. J., by the Himrod Manufacturing Co. on or about October 8 and November 14, 1941; and charging that it was misbranded. On December 9, 1942, an amended libel was filed in clarification of the charge of misbranding.

Examination disclosed that the article consisted essentially of a mixture of stramonium and potassium nitrate.

The article was alleged to be misbranded (1) in that the designation "Himrod's Asthma Powder," appearing upon the carton, the metal container, and the booklet enclosed in the package, was false and misleading since it created the impression that the article was a treatment for asthma, whereas the article was not a treatment for asthma but was merely a temporary palliative for the acute temporary manifestations of that disease; (2) in that the statement in the labeling of the article, "To relieve the paroxysms of Asthma and Asthmatic Hay Fever," was false and misleading since it represented and suggested that the article would relieve the paroxysms of asthmatic hay fever, whereas it would not relieve such paroxysms; and, since the words "Asthma" and "Hay Fever" were given much greater prominence than were the words "To relieve the paroxysms of," the impression was created that the article was a treatment for asthma and hay fever, whereas it was not; and (3) in that certain statements appearing in its labeling which created the impression that the article would accomplish more