

Further misbranding, Section 502 (a), certain statements in the labeling of the articles were false and misleading. The statements represented and suggested that the articles were an adequate and effective treatment for all diseases or ill health (except from accident, poison, exposure, or bad habits), e. g., diabetes, impaired visual function, poor posture, flat feet, skin eruptions, sore throats, spinal curvature, allergies, heart disease, arthritis, sterility, nerve and muscle disorders, as well as other major disorders, general conditions such as a lack of good health, and personality disorders; and that the articles were effective to provide buoyant health and a super state of well-being. The articles were not an adequate and effective treatment for such conditions and purposes.

Further misbranding, Section 502 (f) (1), the labeling of the articles failed to bear adequate directions for use in the treatment of all diseases or ill health, e. g., diabetes, impaired visual function, poor posture, flat feet, skin eruptions, sore throats, spinal curvature, allergies, heart disease, arthritis, sterility, nerve and muscle disorders, as well as other major disorders, general conditions such as a lack of good health and personality disorders, and for the provision of buoyant health and a super state of well-being, which were the conditions for which the articles were intended.

The articles were adulterated and misbranded in the above respects when introduced into, while in, and while held for sale after shipment in, interstate commerce.

**DISPOSITION:** October 17, 1952. The Supra-Vite Corp., claimant, having consented to the entry of a decree, judgment of condemnation was entered. The court ordered that the labeling of the products, consisting of the accompanying literature, be destroyed and that the products without such labeling be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

**3906. Misbranding of Hope mineral tablets. U. S. v. 140 Bottles \* \* \* (and 17 other seizure actions).** (F. D. C. Nos. 32479, 33013, 33016, 33028, 33159 to 33162, incl., 33164, 33166 to 33169, incl., 33173 to 33175, incl., 33177, 33183, 33198. Sample Nos. 6407-L to 6410-L, incl., 7040-L, 7042-L, 7043-L, 7903-L, 7904-L, 24077-L, 25818-L, 27220-L, 27450-L, 27462-L, 29206-L to 29209-L, incl., 29212-L, 29213-L, 29216-L, 31609-L, 35289-L.)

**LABELS FILED:** Between February 1 and May 14, 1952, Western District of Wisconsin, Western District of Pennsylvania, Northern District of California, Eastern District of Illinois, District of Oregon, District of Massachusetts, and District of New Jersey.

**ALLEGED SHIPMENT:** Between December 12, 1951, and April 19, 1952, by the Hope Co., from St. Louis, Mo., and East St. Louis, Ill.

**PRODUCT:** 7,294 40-tablet bottles of *Hope mineral tablets* at Monroe, Wis.; New Kensington, Brownsville, Uniontown, and Ellwood City, Pa.; Richmond, Santa Cruz, and Petaluma, Calif.; Effingham, Ill.; Portland, Oreg.; Boston, Mass.; and Vineland and Elizabeth, N. J.

**RESULTS OF INVESTIGATION:** Various representations concerning the conditions for which the product was intended were published in advertisements contained in local newspapers at the places where the product was located. These advertisements were printed on instructions of, and from mats furnished by, the Hope Co.

**LABEL, IN PART:** "Hope Mineral Tablets with B-Vitamins Dietary Supplement Each tablet contains 20 mgm. Iron;  $\frac{1}{2}$  mgm. Vitamin B<sub>1</sub>; 1 mgm. Vitamin B<sub>2</sub>; and 5 mgm. Niacin. Also contains traces of other minerals (elements) extracted from a natural clay" or "Hope Mineral Tablets Dietary Supplement Each tablet contains 20 mgm. of iron. Also contains traces of other minerals (extracted from a natural clay) plus  $\frac{1}{2}$  mgm. Vitamin B<sub>1</sub>, 1 mgm. Vitamin B<sub>2</sub>, and 5 mgm. Niacin." (Some of the labels declared also " $\frac{1}{2}$  mcg. Vitamin B<sub>12</sub>.")

**NATURE OF CHARGE:** Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use in the treatment of arthritis, stomach ailments, neuritis, dizzy spells, nervousness, bloating, rheumatism, headaches, weak kidneys, lack of vitality, weak back, acids, toxins, aching back, lumbago, sleepless nights, bad breath, bad complexion, decaying teeth, failing eyesight, lack of energy, underweight, irritability, frequent risings at night, lack of appetite, leg pains, digestive disturbances, vague pains, weakness, heartburn, numbness, paleness, stomach gas, listlessness, tiredness, powers weakened, general rundown feeling, weak sexual powers, and lack of ambition and sparkle, which were the conditions for which the article was intended. The article was misbranded in this respect when introduced into and while in interstate commerce.

Further misbranding, Section 502 (a), the labeling of the portion of the article at Monroe, Wis., and Richmond, Calif., namely, clippings which were from local newspapers and which accompanied the article, was false and misleading. The labeling contained statements which represented and suggested that the article was an adequate and effective treatment for arthritis, stomach ailments, neuritis, rheumatism, headaches, weak kidneys, dizzy spells, nervousness, bloating, acids, toxins, lack of vitality and energy, aching back, lumbago, underweight, lack of ambition and sparkle, powers weakened, digestive disturbances, vague pains, bad breath, weakness, heartburn, numbness, paleness, stomach gas, tiredness, listlessness, and irritability. The article was not an adequate and effective treatment for such conditions. The article was misbranded in this respect while held for sale after shipment in interstate commerce.

The portion of the article at Monroe, Wis., consisting of a lot of 140 bottles, was alleged to be misbranded also under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

**DISPOSITION:** Between March 6 and September 5, 1952. Default decrees of condemnation. The courts ordered that the Wisconsin and Pennsylvania lots of the product be delivered to local hospitals and that the other lots of the product be destroyed.

#### **DRUGS ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS\***

✓ 3907. Adulteration of dl-desoxyephedrine hydrochloride tablets. U. S. v. 1 drum, etc. (F. D. C. No. 32981. Sample No. 13009-L.)

**LIBEL FILED:** April 30, 1952, Northern District of Texas.

**ALLEGED SHIPMENT:** On or about May 8, 1951, by the Keith-Victor Pharmacal Co., from St. Louis, Mo.

\*See also No. 3905.