

4134. Misbranding of Raymor No. 50 capsules. U. S. v. 4 Bottles, etc. (F. D. C. No. 34879. Sample No. 33850-L.)

**LIBEL FILED:** March 11, 1953, Eastern District of Michigan; amended libel filed March 23, 1953.

**ALLEGED SHIPMENT:** On or about November 1, 1951, by the Raymor Food Products Co., from Chicago, Ill.

**PRODUCT:** 4 180-capsule bottles of *Raymor No. 50 capsules* at Jackson, Mich., together with a number of leaflets entitled "Professional Order Blank" and 1 copy each of 5 issues of a publication designated "Raymor Nutritional Review" distributed monthly by the Raymor Food Products Co. and dated March, May, June, November, and December, 1952.

Examination showed that the *Raymor No. 50 capsules* contained per 6 capsules not more than 164 milligrams of vitamin C, 0.16 milligram of iodine, 803 milligrams of calcium, and 381 milligrams of phosphorus.

**LABEL, IN PART:** "Raymor Number 50 180 capsules 30 Day Supply Of A Dietary Supplement Composition—The recommended daily dosage of six capsules provides as follows: Ingredients \* \* \* % M. D. R.—Vitamin C (Ascorbic Ac.) 210.0 Milligrams 433% \* \* \* Iodine (KI) 0.45 Milligrams 450% \* \* \* Calcium (Bone Phosphate) 950.0 Milligrams 125% Phosphorus (Bone Phosphate) 565 Milligrams 75% The Purpose Of This Product Is Nutritional."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the following statements in the labeling of the article, namely, "The recommended daily dosage of six capsules provides as follows: \* \* \* Calcium \* \* \* 950.0 Milligrams 125% M. D. R." and "\* \* \* Phosphorus \* \* \* 565 Milligrams 75% M. D. R.," were false and misleading since 6 capsules of the article provided less than 950 milligrams of calcium and less than 125 percent of the minimum daily requirement for calcium, and less than 565 milligrams of phosphorus and less than 75 percent of the minimum daily requirement for phosphorus; and the following statements in the labeling of the article, namely, "The recommended daily dosage of six capsules provides as follows: \* \* \* Vitamin C (Ascorbic Acid) 210.0 Milligrams 433% M. D. R." and "Raymor No. 50 \* \* \* A multi-vitamin \* \* \* dietary supplement containing \* \* \* 210.0 mgs. C \* \* \* in the recommended daily dosage of six capsules," were false and misleading since 6 capsules of the article provided less than 210 milligrams of vitamin C (ascorbic acid) and less than 433 percent of the minimum daily requirement for vitamin C.

Further misbranding, Section 502 (a), the labeling of the article consisting of the issues of the "Raymor Nutritional Review," mentioned above, was also false and misleading. Such labeling when taken as a whole, as well as in the specific statements and read in the light of the setting in which such labeling was intended to be read, conveyed to the public a meaning which represented and suggested that the article was effective for successful growth, and maintenance of health; that it was effective, by reason of its content of choline and inositol, for arteriosclerosis; by reason of its content of vitamin B<sub>12</sub>, for chronic dermatitis and chronic urticaria; by reason of its content of vitamin E, in the management of retrolental fibroplasia; for neurologic disturbances in diabetic sufferers; for psychogenic asthma; to prevent intravascular coagulation and nutritional breakdown; to improve metabolism and cellular processes by replenishing all known deficiencies; to prevent and treat common chronic diseases—hypertension, diabetes, cancer, arthritis, degenera-

tive diseases of the liver and kidneys, obesity, and cardiovascular-renal disease; arteriosclerosis, pain in rheumatoid arthritis, increased tendency for accidents caused by obesity, chronic physical and mental ill health, and congenital debility in infants; to accelerate wound healing and lessen the possibility of intercurrent infection; for "psychomatic" disorders of the heart, including irregularities of rhythm, unusual sensations about the heart such as oppression, tightening, pain, numbness, shortness of breath, feeling of faintness, weakness, and "all gone," free perspiration and sinking sensation; to improve vision in senile muscular degeneration; by reason of its content of liver and vitamin B complex, to remedy diarrhea following use of antibiotics; by reason of its content of vitamins, minerals, and amino acids, to remedy lesions of the mouth; by reason of its content of liver, to remedy reproductive failure; to remedy nervous illness in elderly people; to prevent invalidism and senility in the aging, breaking down of older individuals and emotional stress and psychological changes in the aged, manifesting themselves in nervousness, depression, insomnia, and "a wide variety of somatic symptoms, difficulties in memory, irritability, insomnia, and a general feeling of apprehensiveness and restlessness"; to relieve elderly people from the stresses and strains of life produced through functional disturbances of nervous origin and anxiety as to organic illnesses; to exert a favorable influence upon the entire outlook of the consumer; to prolong the period of the consumer's activity; by reason of its content of folic acid, for diarrhea and colitis; by reason of its vitamin B<sub>12</sub> content, for spastic paraplegia, spino-cerebral syndromes of the acromegaly type, cerebellar atrophy, and Korsakoff's psychosis and early cases of polyneuritis when not associated with rheumatic disorders. The article was not effective for such purposes, and it was not capable of fulfilling the promises of benefit stated and implied. The *Raymor No. 50 capsules* were misbranded when introduced into, while in, and while held for sale after shipment in, interstate commerce.

The article, together with certain other articles, was alleged also to be adulterated and misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

**DISPOSITION:** May 25, 1953. Default decree of condemnation and destruction.

**4135. Misbranding of Private Formula tablets, Kimball tablets, and Kao-Kim tablets. U. S. v. 4 Drums, etc. (F. D. C. No. 34120. Sample No. 54445-L.)**

**LIBEL FILED:** November 13, 1952, Eastern District of Wisconsin; amended libel filed January 9, 1953.

**ALLEGED SHIPMENT:** On or about August 28 and September 9, 1952, from Chicago, Ill.

**PRODUCT:** 4 drums of *Private Formula tablets*, 88 100-tablet bottles of *Kimball tablets*, and 93 100-tablet bottles of *Kao-Kim tablets* at Milwaukee, Wis., in the possession of the Health Products Co., together with a number of cartons and bottle labels for the *Kimball tablets* and the *Kao-Kim tablets*, a number of circulars entitled "A Few Points to be Remembered" and "Read What Eminent Physicians Say," and 4 window signs containing statements relating to the efficacy of the tablets and a sign about 4 feet by 12 feet over the entrance to the consignee's premises bearing the words "Why Suffer With Stomach Trouble? Money Back Guarantee."

**RESULTS OF INVESTIGATION:** The drums containing the *Private Formula tablets* were shipped in interstate commerce as described above, and upon their receipt