

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 B₁₂ 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

by the Health Products Co., at Milwaukee, Wis., a number of tablets in the drums were removed and repacked into bottles bearing labels designating the tablets as *Kimball tablets* or *Kao-Kim tablets*. The above-mentioned circulars, bottle labels, cartons, window signs, and the store front sign were prepared locally for the consignee.

LABEL, IN PART: (Drums) "Private Formula No. P-25,794 Date 9/9/52 Prepared for Health Products Co. * * * Active Ingredients: Bismuth Subnitrate 1 gr., Sodium Bicarbonate 10 gr., Magnesium Carbonate 7 gr., Pepsin NF 1-3000—1/10 gr., and Excipients"; and "Private Formula No. P-25,597 Date 8/27/52 Prepared for Health Products Co. * * * Active Ingredients: Bismuth Subnitrate 1 gr., Sodium Bicarbonate 10 gr., Magnesium Carbonate 7 gr., Oleoresin Ginger 1/75 gr., Malt Diastase 1 gr., Papain 1 gr., Pancreatin 1/2 gr., Pepsin NF 1-3000—1/10 gr., and Excipients."

(Bottles) "Kimball's Rays of Health * * * Kimball Tablets" and "Kao-Kim Rays of Health Kao-Kim Tablets."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the labeling of the tablets, namely, the bottle and carton labels, the circulars, and the window signs and store front sign accompanying the article, were false and misleading. The statements represented and suggested that the tablets would restore and maintain health and that they were an adequate and effective treatment for gastritis, indigestion, bloating, nervousness, headaches, ulcers, stomach trouble, inflamed membranes of the stomach, and loss of weight and strength. The tablets would not restore and maintain health, and they were not an adequate and effective treatment for the diseases and conditions stated and implied.

Further misbranding, Section 502 (a), certain statements in the above-mentioned circulars which suggested and implied that the tablets consisted of "derivatives of minerals, vegetables and fruit" were misleading since none of the ingredients of the tablets was derived from sources ordinarily regarded as fruits and vegetables. The tablets were alleged to be misbranded in the above respects while held for sale after shipment in interstate commerce.

DISPOSITION: July 9, 1953. John J. McCloskey, Milwaukee, Wis., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the store front sign be released to the claimant on condition that the wording of the sign be changed to read "Why Suffer With Stomach Hyperacidity? Money Back Guarantee." The court ordered also that the tablets, together with their labeling other than the store front sign, be destroyed.

4136. Misbranding of Vit-Ra-Tox No. 21. U. S. v. 25 Cartons, etc. (F. D. C. No. 34391. Sample Nos. 62612-L, 62613-L.)

LIBEL FILED: January 6, 1953, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about December 16 and 24, 1952, V. E. Irons, Inc., from Franklin and Boston, Mass.

PRODUCT: 25 cartons of *Vit-Ra-Tox No. 21* at St. Louis, Mo., together with a number of leaflets entitled "No. 21 A Natural Food" and "What Price Refinement" and 1 copy of a newsletter dated October 24, 1952.

LABEL, IN PART: "V. E. Vit-Ra-Tox Irons Inc. No. 21A . . . Part of No. 21 A Natural Food with *Greenlife* Raw Veal Bone and Defatted Wheat Germ Vit-Ra-Tox No. 21A with *Greenlife* Green Life is a concentrate of the juices of 2 or more young, tender green cereal (grain) shoots (oats, corn, barley,