

**PRODUCT:** 1,000 bottles of *Immun capsules* at Lynbrook, N. Y., in possession of Nu-Health Laboratories, Inc., together with a number of circulars entitled "Immun Capsules with Activator X A New Nutrient Factor" and a number of leaflets entitled "Read How Immun Capsules . . . with . . . Activator X Helped."

**RESULTS OF INVESTIGATION:** The capsules were shipped in interstate commerce in bulk, and upon receipt by the consignee, were repackaged and relabeled. The above-mentioned circulars and leaflets were printed locally for the consignee.

**LABEL, IN PART:** (Bottle) "Immun Capsules with the Essential Nutrient Factor Activator X Quantity 100 Capsules \* \* \* Each Capsule Contains: 1700 USP units of Vitamin A 34% minimum daily requirement 170 USP units of Vitamin D 42% minimum daily requirement 222 milligrams of Activator X\*  
\*Activator X is the Nu-Health Laboratories trademark for essential fatty acid fractions which have been found helpful in certain deficient or unbalanced conditions of body metabolism."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the label statements "Immun Capsules with the Essential Nutrient Factor Activator X \* \* \* essential fatty acid fractions which have been found helpful in certain deficient or unbalanced conditions of body metabolism" were false and misleading. The statements represented and suggested that the article would be effective in providing the user with immunity from ill-health and disease and that the article would supply essential nutrient factors, in addition to vitamins A and D, which would be effective to treat deficient or unbalanced conditions of body metabolism. The article was not effective for such purposes.

Further misbranding, Section 502 (a), certain statements in the above-mentioned circulars and leaflets accompanying the article were false and misleading. The statements represented and suggested that the article was effective in the prevention and treatment of dental caries, colds, arthritis, joint and muscle stiffness, general debility, loss of appetite, underweight, gastritis, belching, anemia, insomnia, low blood pressure, disturbed vision, painful menses, constipation, general fatigue, cancer, chronic diseases, and bronchial colds, and that the article would provide more effective utilization of all nutritive elements. The article was not effective for such purposes.

The article was misbranded in the above respects while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 20, 1954. Nu-Health Laboratories, Inc., claimant, having filed an answer and later having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

**4495. Misbranding of Fisher's Gas-Gon tablets. U. S. v. 20 Cases, etc. (F. D. C. No. 36801. Sample No. 58177-L.)**

**LABEL FILED:** May 21, 1954, Eastern District of Michigan.

**ALLEGED SHIPMENT:** On or about March 14 and April 13 and 20, 1951, from Bryan, Ohio.

**PRODUCT:** 20 cases, each containing 12 cartons and each carton containing 12 100-tablet bottles and 100 free sample envelopes, of *Fisher's Gas-Gon tablets* at Detroit, Mich., in possession of the Gas-Gon Products Co. (Fisher's Cut Rate Drugs), together with a number of circulars designated "Wonderful New Gas-Gon Tablets."

**RESULTS OF INVESTIGATION:** The tablets contained in the envelopes were received in bulk and were repackaged and relabeled by the consignee. The above-mentioned circulars were printed by the consignee and were displayed on the counter in the consignee's store. In addition, the consignee had on display the following: a sign painted on outside of store building reading as follows: "Try Fisher's Gas-Gon for Quick Relief of Gas Pains Excess Acid and Ulcerated Stomach Satisfaction Guaranteed"; a streamer in the store window reading as follows: "Gas-Gon for ulcerated stomach due to gas & acid \$2.89"; and a sign in the store over the prescription room reading as follows: "Why Suffer? Fisher's Gas-Gon 'Gone is Gas and Stomach Acid' Try This New Amazingly Fast Relief for Gas, Hyperacidity Pain due to Ulcers, Indigestion Sour Stomach and Similar Disturbances Satisfaction Guaranteed."

**LABEL, IN PART:** (Bottle and envelope). "Fisher's Gas-Gon Tablets Bisected Each tablet contains Dried Aluminum Hydroxide Gel Magnesium Hydrate Oil of Peppermint For the relief of hyperacidity and accompanying stomach discomforts."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements on the above-mentioned circulars, signs, and window streamer were false and misleading. The statements represented and suggested that the article was an adequate and effective treatment for stomach ulcers and similar disturbances, whereas the article was not an adequate and effective treatment for such conditions. The article was misbranded while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 16, 1954. Jacob S. Fisher, doing business as Fisher's Cut Rate Drugs and the Gas-Gon Products Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Department of Health, Education, and Welfare.

**4496. Misbranding of Hocking's Formula capsules and Hocking's Liquid. U. S. v. Hocking Drug Co., Inc. Plea of nolo contendere. Fine, \$26. (F. D. C. No. 35577. Sample Nos. 69330-L, 76048-L, 76049-L.)**

**INFORMATION FILED:** June 14, 1954, Eastern District of Washington, against Hocking Drug Co., Inc., Spokane, Wash.

**ALLEGED SHIPMENT:** On or about May 15 and July 6, 1953, from the State of Washington into the States of Colorado and Oregon.

**PRODUCT:** Analysis showed that the *Hocking's Formula capsules* contained acetanilid and aspirin and that the *Hocking's Liquid* contained sodium bromide, potassium iodide, sodium salicylate, and alcohol.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in the accompanying labeling of the articles namely, a leaflet entitled "Hocking Rheumatic Remedy For All Forms of Rheumatism" were false and misleading. The statements represented and suggested that the liquid and the capsules would be an adequate and effective treatment for rheumatism in all its forms, gout, arthritis, neuritis, sciatica, and lumbago, whereas the articles would not be an adequate and effective treatment for such conditions.

**DISPOSITION:** September 7, 1954. The defendant having entered a plea of nolo contendere, the court fined it \$26.