

4497. Misbranding of Gottschall's Life Essence tablets. U. S. v. 13,250 tablets, etc. (F. D. C. No. 36090. Sample No. 41629-L.)

LIBEL FILED: November 2, 1953, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about May 15, 1953, from Cleveland, Ohio.

PRODUCT: 13,250 *Gottschall's Life Essence tablets* in 1 drum and 650 bottles, each containing 55 similar tablets, at Harrisburg, Pa., in possession of Gottschall Products Co., Inc., together with a number of loose labels.

RESULTS OF INVESTIGATION: The tablets in the drum and in the bottles had been originally shipped in interstate commerce in bulk, and upon receipt by the consignee, a portion of the tablets was repacked into the above-mentioned bottles. The loose labels were for use in repackaging the tablets remaining in the drum.

LABEL, IN PART: (Bottle) "Gottschall's Life Essence Directions For Dyspepsia and Indigestion take 1 Tablet after meals. For Gastritis and Sour Stomach take 1 Tablet half hour before meals. For Toxic Poisoning, Malaria and General Run-Down Condition take 1 Tablet after meals and at night. Take treatment until relieved. If dose taken becomes too active on the bowels, lessen; if not sufficient, increase. Children 10 yrs. or over $\frac{1}{2}$ tablet. 5 yrs to 10 yrs. $\frac{1}{4}$ tablet. * * * Net Weight Each Tablet 4 grains Contains Gentian Root Pepsin Pancreatin Myrrh Senna Aloes Drop Black Saffron Oil Peppermint Powdered Sugar."

NATURE OF CHARGE: Misbranding (tablets in drum and bottles), Section 502 (a), the labeling of the tablets contained statements which represented and suggested that the tablets were an adequate and effective treatment for dyspepsia, indigestion, gastritis, sour stomach, toxic poisoning, malaria, and general rundown condition, which statements were false and misleading since the tablets were not an adequate and effective treatment for such conditions. The tablets were misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: December 29, 1953. The Gottschall Products Corp., 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.

4498. Misbranding of B-amino-complex tablets. U. S. v. 131 Bottles, etc. (F. D. C. No. 35698. Sample No. 76241-L.)

LIBEL FILED: On or about December 17, 1953, District of Oregon.

ALLEGED SHIPMENT: The tablets were shipped on or about September 14, 1953, by the Landstrom Co., from San Francisco, Calif., and the folders described below were shipped on or about September 7, 1953, by the Unitone Corp., from New York, N. Y.

PRODUCT: 131 bottles of *B-amino-complex tablets* at Portland, Oreg., together with a number of folders entitled "Amazing New Medical Discovery Checks Deafness."

LABEL, IN PART: (Bottle) "100 Tablets B-Amino-Complex * * * A brand of amino acids, coenzymes, vitamins and minerals."

NATURE OF CHARGE: Misbranding, Section 502 (a), the labeling of the article, namely, the above-mentioned folders, represented and suggested that the article

was an adequate and effective treatment for deafness, which representations were false in that the article was not an adequate and effective treatment for deafness.

DISPOSITION: June 30, 1954. Default decree of condemnation and destruction.

4499. Misbranding of extract of garlic capsules, wheat germ oil capsules, and WheatonE capsules. U. S. v. 11 Bottles, etc. (F. D. C. No. 33573. Sample Nos. 38627-L, 38628-L.)

LABEL FILED: September 8, 1952, Southern District of New York.

ALLEGED SHIPMENT: On or about May 16 and June 16, 1952, from Jersey City, N. J., and Detroit, Mich.

PRODUCT: 11 100-capsule bottles and 3 400-capsule bottles of *extract of garlic capsules*, 7,900 capsules of *wheat germ oil capsules* in 1 carton, and 62 100-capsule bottles and 11 300-capsule bottles of *WheatonE capsules* at New York, N. Y., in possession of Falkner & May, Inc., together with a number of booklets entitled "Healthful Living Volume Ten 1952," "Healthful Living Volume Eleven 1952," and "Healthful Living 'Highlights' 1952."

RESULTS OF INVESTIGATION: The *extract of garlic capsules* were repackaged from a bulk consignment into bottles and labeled by the consignee, and the *WheatonE capsules* were repackaged by the consignee from portions of an original consignment of 18,000 *wheat germ oil capsules*. The booklets were printed for the consignee and were distributed to customers and prospective customers.

LABEL, IN PART: (Bottle) "Falmay Pure Extract of Garlic in Vegetable Oils"; (carton) "Wheat Germ Oil Ingredients in each capsule: Wheat Germ Oil 6 Minims"; (bottle) "Falmay sealed 'WheatonE' Capsules contain Hormone Activity plus Natural Vitamin E As Found in Wheat."

NATURE OF CHARGE: *Extract of garlic capsules*. Misbranding, Section 502 (a), certain statements in the booklets entitled "Healthful Living Volume Ten 1952" and "Healthful Living Volume Eleven 1952," which accompanied the article, were false and misleading since the statements represented and suggested that the article would be an adequate and effective treatment for hypertension and nervous stomach, whereas the article would not be effective for such purposes.

Wheat germ oil capsules and *WheatonE capsules*. Misbranding, Section 502 (a), the designation "WheatonE" upon the label of the repackaged capsules was misleading since it represented and suggested that the capsules had tonic properties, whereas the capsules did not have tonic properties. Further misbranding, Section 502 (a), the statements in the booklet entitled "Healthful Living Volume Ten 1952," accompanying the article, namely, "Although the need for hormones and Vitamin E in human nutrition has not been officially established, enough is known of the latter, as a result of experiments on animals, to permit the statement that it is one of the most important of all vitamins. To animal men, Vitamin E is known as the antisterility vitamin, the element that has a great deal to do with the glandular life of animals" were misleading as applied to the *wheat germ oil capsules* and *WheatonE capsules*, which were intended for consumption by man. The statements represented and suggested that there was reason to believe that vitamin E is important to humans, that vitamin E possesses antisterility properties when consumed by humans, and that vitamin E produces important effects on the glandular life of humans, whereas such is not the case.