

and B₁; and *Calpans* composed of brewer's yeast, calcium pantothenate, and vitamin B₁.

CHARGE: The complaint alleged that the defendant caused the above-named articles to be shipped to various cities throughout the country where he gave lectures on health subjects and made therapeutic claims for the articles; that on the basis of such claims, the audience was induced to purchase the articles which were available for sale at the lectures; and that the defendant also caused the above articles to become misbranded under 502(f)(1), when shipped and while held for sale, because the labeling of such articles failed to bear adequate directions for use since it did not declare the conditions and purposes for which the defendant orally represented and suggested that the articles were effective, namely: *Bey Saffto* for change of life, overweight, dry skin conditions, itchy skin, skin breaks, to oil skin, to feed glands, to remove wrinkles, to dissolve fat, and to remove body impurities; *Bey VA* for bad eyesight, eye sensitivity, cataracts, glaucoma, poor blood, arthritis, liver ailments, to neutralize excessive mucous in membranes, and to purify blood stream; *Bey Natural VC* for infected blood stream, kidney infection, high blood pressure, capillary fragility, impaired circulation, bleeding, stomach ulcers, varicose veins, mucous in sinus, ears, and membranes, anemia, arthritis, to coagulate blood in skin cuts, and to eliminate mucous from membranes; *Bey VE* for cataracts, glaucoma, heart trouble, muscular degeneration, skin breaks, arthritis, to renew muscle tone, and to sober up from drunkenness; *Ro-Qee-Jel capsules* for cataracts, glaucoma, heart trouble, muscular degeneration, skin breaks, arthritis, to renew muscle tone, to sober up from drunkenness, and liver conditions; *Bey Vita Natur-Cal* for brittle nails, brittle hair, varicose veins, arthritis, change of life in women, to quiet and relax, to induce sleep, and to build blood; *Bey Vita RG Soya Lecithin* for inflammation of lining of veins, brittle veins, brittle capillaries, brittle blood vessels, impaired circulation, sluggish blood, anemia, abnormal heart and blood pressure, obesity, liver trouble, kidney trouble, blood trouble, to dissolve cholesterol in blood, blood stream, and liver, and to provide food for brain and nerves; *Bey Vita yeast tablets* for poor digestion, obesity, duodenal ulcers, intestinal ulcers, impaired nerves, and impaired muscles; *Bey Proto-X* for diabetes, stomach ulcers, and arthritis; and *Calpans* for liver conditions, to promote growth in children, and to restore original color to hair.

The complaint alleged also that, should the articles bear labeling stating such conditions and purposes, the articles would then be misbranded within the meaning of 502(a) since such labeling would be false and misleading in that the articles would not be effective for such conditions and purposes.

DISPOSITION: On 3-27-61, the defendant having consented, the court entered a decree of permanent injunction enjoining the defendant against commission of the acts complained of.

6553. Tri-Sulfa tablets. (F.D.C. No. 45511. S. No. 61-029 R.)

QUANTITY: 38 btls. at St. Joseph, Mo., in possession of United Pharmacal Co., Inc.

SHIPPED: 12-27-60, from New Rochelle, N.Y.

LABEL IN PART: (Btl.) "100 Tablets UPCO Tri-Sulfa Tablets Formulated for United Pharmacal Co. * * * Each tablet contains: Sulfadiazine 2½ grains Sulfamerazine 2½ grains Sulfathiazole 2½ grains Usual Dose * * * Warning * * * Caution."

RESULTS OF INVESTIGATION: The article was shipped in unlabeled bottles as described above, and after receipt at St. Joseph, Mo., was labeled by the dealer.

LIBELED: On or about 3-16-61, W. Dist. Mo.

CHARGE: 502(f) (1)—while held for sale, the labeling of the article failed to bear adequate directions for use and it was not exempt from such requirement since it was a prescription drug labeled for human use and it was not in the possession of a person or firm regularly and lawfully engaged in the manufacture, transportation, storage, or wholesale distribution of prescription drugs for human use.

DISPOSITION: 5-5-61. Default—destruction.

6554. Figurette protein tablets. (F.D.C. No. 43950. S. No. 56-630 P.)

QUANTITY: 10 cases, 12 btl. each (5 cases of which contained mint-flavored tablets and 5 cases, cherry-flavored tablets), at Atlanta, Ga., in the possession of Figurette, Inc.

SHIPPED: 4-7-59, from Cleveland, Ohio, by Don Saunders, t/a Destiny Enterprises.

LABEL IN PART: "Figurette Protein 200 Tablets Mint Flavor [or "Cherry Flavor"] Distributed by Destiny Enterprises, 708 Frankfort Ave., Cleveland, Ohio Each tablet contains 76% Protein from Soya in readily digestible form. 16% Carbohydrate (Glucose) Glycerin, Tricalcium Phosphate, Magnesium Stearate and Bentonite and Sweetened with 6.5 Mg. Cyclamate Sodium and 0.65 mg. Saccharin Sodium * * * 3 calories per tablet."

LIBELED: 12-4-59, N. Dist. Ga.

CHARGE: 502(a)—when shipped, the labeling contained false and misleading representations that the article, by supplying protein, was an excellent source of energy and was an essential factor in tissue repair and maintenance of nitrogen balance, that the article was an effective weight reducing aid in "slenderizing studios," and that the article was an effective appetite appeaser; and 502(f) (1)—while held for sale, the labeling failed to bear adequate directions for use for the purposes for which it was intended, namely, in building up healthy muscles, burning up fat, and reducing weight without need of a special reducing diet, which representations were made orally by a sales representative of the dealer firm.

DISPOSITION: On 1-11-60, Destiny Enterprises, Inc., filed a claim to the article and an answer denying that the article was misbranded. The Government served written interrogatories on the claimant. The claimant failed to file answers to the written interrogatories and the court, upon the motion of the Government, rendered a judgment of condemnation by default on 2-23-61, together with an order directing the destruction of the article.

6555. Trapper's Herbal Preparations. (F.D.C. No. 45335. S. Nos. 44-296/7 R, 44-299/300 R.)

QUANTITY: 30 15-gram pkgs. and 53 4-gram pkgs. of *Formula #1*; 22 1-oz. vials of *Formula #3* and 27 1-oz. vials of *Formula #4*, at Spokane, Wash.

SHIPPED: Between the approximate dates of 6-1-60 and 6-15-60, from Boise, Idaho, by Baker's International Distributors.

LABEL IN PART: (Pkg.) "Trapper's Herbal Preparation Formula No. 1 * * * Manufactured & packed by Cecil J. Cardwell Trapper's Laboratory-921