

until the bony growth of the child has been completed, age 14-15, calcium and phosphorus are required more than at any other time in life. This is particularly true at the time the child goes into puberty, when the girl is becoming a woman and the boy becoming a man. During the period of adolescence and puberty four teaspoonfuls of Kal per day is desirable"; (circular, headed "Food Cures or Kills") "Food Cures or Kills * * * 'We Are What We Eat,' is the dictate of Science. A diet which contains all the food elements necessary to life,—the fats, the starches, the proteins, the calcium and other mineral elements in their right proportion, is a balanced diet. On such a diet man thrives and is well-nourished, achieves health and builds up a resistance against disease. Such a person will rarely be sick; he cannot become constipated; his digestion is excellent; he will never be a candidate for diabetes, kidney disease, arterio sclerosis (hardening of the arteries) or any of the degenerative diseases that kill millions in the very prime of life. The wrong, the unbalanced diet, when continued day after day, year after year, will wear down the healthiest body, will wreck the strongest constitution. If your diet is wrong over the years, then disease is inevitable; the harmony of life's processes will be destroyed; the vital organs will break down and cease to function—and when that happens—no physician, no surgeon, no matter how skillful, can restore the ailing body to health. * * * Fruits, vegetables, whole wheat, whole cereals and milk possess the food minerals, the calcium and phosphorus salts and the vitamins. The Tragedy of the American diet is that our wheat is turned into white, starchy flour; and the minerals that the body hungers for are thrown away. All our cereals are 'refined' in the self-same way. Our sugar, an important part of the daily food, is devitalized in manufacture; the precious calcium and phosphorus and other minerals discarded. Our foods are manufactured, pasteurized, processed, altered and adulterated, removing and destroying the roughage and the bulk and almost all of the minerals. We have become a mineral-starved people. In the language of the doctor, America is suffering from Mineral Deficiency Diseases, from Calcium-phosphorus Starvation. These are diseases which we acquire because we cannot get out of our food enough minerals for our body needs, especially calcium, phosphorus, iron. Tooth decay, acidosis, profound nervous irregularities, menstrual disorders, rickets, anemia, pyorrhea, glandular disorder, abnormal blood pressures, asthma, hay fever, migraine headaches, tuberculosis,—these are usually mineral deficiency diseases brought about entirely or in part because of the absence of calcium in the diet. Such diseases cannot be treated through medicine or surgery; only foods rich in natural, organic calcium and mineral salts can solve the problem of health restoration, through gradually re-building and putting back into the body the elements that the body has been deprived of. The Makers of Kal have solved the problem of supplying the lack of these vital elements through the creation of Kal, * * * so rich in minerals, that it balances and makes up for diet deficiencies. * * * prepared from standard foods * * * 'The present day diet of Americans is severely criticized, by those who know it, as one which is deficient in mineral substances. * * * Because Kal is tremendously rich in the minerals which combat acidity, it has proven effective in overcoming auto-toxemia, the end results of constipation and acidity from any cause * * * Because women lack calcium, they are tortured by cramps, flooding and other symptoms at their menstrual periods. Kal has an immediate and direct effect in the relieving and restoring of the calcium balance."

On May 15, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

22964. Misbranding of Joyz Maté. U. S. v. 42 Packages and 55 Packages of Joyz Maté. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32499. Sample nos. 67531-A, 67532-A.)

This case involved a product, the labels of which bore unwarranted therapeutic claims.

On April 4, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 42 small packages and 55 large packages of Joyz Maté at Newark, N. J., alleging that the article had been shipped in interstate commerce, on or about March 9 and March 16, 1934, by the

International Maté Co., Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the article consisted of maté.

The article was alleged to be misbranded in that the following statements on the carton of the small packages and similar statements on the carton of the large packages, and in the respective circulars shipped with both sizes, were statements regarding the curative or therapeutic effects of the article, and were false and fraudulent: "The Vitalizing Drink * * * Joyz Maté Invigorates and combats fatigue. It is stimulating without harmful reactions. Joyz Maté does not injure the nervous system. It may be taken freely at all meals and between meals. Many use it as a pick-me-up when suffering from fatigue. * * * The mystic plant, drawing life from the fertile soil and ideal climatic conditions, is gathered and cured by a protective process which produces this energizing drink. * * * Joyz Maté is unsurpassed as a standby for business men and women, people of action, mental workers and athletes. * * * Be sure to read of the remarkably invigorating qualities * * * For added mental or physical stimulation, add more Joyz leaves to make a stronger beverage. * * * Joyz Maté iced is an invigorating * * * summer drink."

On May 19, 1934, no claimant having appeared, judgment of condemnation was entered and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

22965. Misbranding of Wonder Overhaul Tonic. U. S. v. 78 Bottles of Wonder Overhaul Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32512. Sample no. 67536-A.)

This case involved a drug preparation, the labeling of which bore unwarranted curative and therapeutic claims. It was also claimed for the article that it would produce no ill effects and was safe and harmless, whereas it contained an ingredient that might be harmful. The article contained undeclared alcohol.

On April 6, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 78 bottles of Wonder Overhaul Tonic at Newark, N. J., alleging that the article had been shipped in interstate commerce, on or about January 16, 1929, by the Fulton Health Institute, from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of sodium salicylate (1.6 grams per 100 milliliters), sodium bicarbonate (2.5 grams per 100 milliliters), extract of plant drugs including a laxative drug, glycerin, alcohol (1.1 percent by volume), and water, flavored with peppermint oil.

The article was alleged to be misbranded in that the following statements in the labeling were false and misleading: (Carton) "Has no after effects nor ill side effects on any organ of the body. * * * nor does it leave any toxic residue in the system. * * * may be administered to children with safety"; (circular) "May be taken by adults and children for a long period of time without any ill effects. * * * nor does it leave any toxic residue in the system. * * * absolutely harmless for children." Misbranding was alleged for the further reason that the packages failed to bear on the label a statement of the quantity or proportion of alcohol contained in the article. Misbranding was alleged for the further reason that certain statements regarding the curative and therapeutic effects of the article, appearing on the carton label and in the circular, falsely and fraudulently represented that it was effective as an overhaul tonic; effective as a treatment for pains across the back, rheumatism, neuralgia and strained muscles; effective as a treatment for chronic constipation, indigestion, distress after eating, hyperacidity, bad taste in the mouth, halitosis and kidney trouble; effective in stimulating the action of the kidneys and bladder, alkalizing the contents of the kidneys and bladder, and soothing irritations of the bladder; and effective in ridding the body of impurities and waste matter through the kidneys and bowels and restoring the normal functioning of those organs.

On May 25, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*