

7344. Misbranding of Hi-Lo Tablets. U. S. v. 34 Bottles of Hi-Lo Tablets. Default decree of condemnation and destruction. (F. D. C. No. 10051. Sample No. 38130-F.)

LIBEL FILED: June 14, 1943, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about April 20, 1943, from St. Louis, Mo., by the Hi-Lo Products Co.

PRODUCT: 34 bottles, each containing 540 tablets, of the above-named product at Milwaukee, Wis.

A microanalytical examination showed that the product was essentially dried, powdered yeast.

LABEL, IN PART: "Each Tablet Contains Calcium Pantothenate * * * 44 Milligrams Vitamin B₁ * * * 111 U. S. P. Units Vitamin B₂ * * * 666 Micrograms Vitamin B₆ * * * 111 Micrograms Vitamin P-P (Niacin) * * * 3333 Micrograms."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), because of false and misleading statements on the carton and bottle labels and in accompanying circulars entitled, "Now Hi-Lo Products presents Hi-Lo Anti-Gray Hair Vitamin Tablets Vitamin B Complex Plus," "Hi-Lo Anti-Gray Hair Tablets," "Gray Hair? Have you heard what Vitamins are doing to Restore Color to Gray Hair and to Prevent Hair from Turning Gray?", and "Before You Buy Vitamins Look at the Labels," which represented and suggested that the article, when taken as directed, was effective in restoring the natural color to gray hair and in preventing the occurrence of gray hair, and in improving health and correcting or preventing nervousness, faulty elimination, headache, dizziness, fatigue, rapid heartbeat, and numbness of feet and ankles.

It was also alleged in the libel that a number of copies of the aforesaid circulars accompanied the article when it was introduced into and while it was in interstate commerce, in the following manner: That a copy of the circular entitled "Hi-Lo Anti-Gray Hair Tablets" was enclosed in each carton containing the tablets at the time of the shipment; that a number of copies of the other circulars were received by the consignee at its establishment in Milwaukee, Wis., from the Hi-Lo Products Co., St. Louis, Mo., on or about March 25, 1943, which was prior to the shipment of the article; that certain of the circulars were thereafter prominently displayed in the consignee's establishment together with, in association with, and in close proximity to the article; and that copies of some of the other circulars were distributed to purchasers of the article.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1244.

DISPOSITION: March 13, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7345. Adulteration and misbranding of Ocean-Lax and Sea-Soi, and misbranding of other special dietary products. U. S. v. 91 Bottles of West's Imported Sea Vegetable Tablets, etc. Consent decree of condemnation. Products ordered released under bond for relabeling. (F. D. C. Nos. 9608, 9900. Sample Nos. 13926-F to 13935-F, incl., 14804-F, 14811-F to 14816-F, incl., 14820-F to 14827-F, incl.)

LIBELS FILED: March 29 and May 12, 1943, Southern District of California.

ALLEGED SHIPMENT: From on or about February 17, 1942, to January 23, 1943, by Mineralized Foods, Inc., Baltimore, Md.

PRODUCT: 130 bottles of West's Imported Sea Vegetables Tablets, 223 bottles of Sea Vegecene (Powder), 226 bottles of Ocean-Lax Tablets, 140 bottles of Sodeom Tablets, 63 bottles of Sea-V-Aid Tablets, 118 bottles of Sea-Vo-Kra, 116 bottles of Imported Sea Vegetables Vitaminized with added Vitamin "A," 99 bottles of F Y A Tablets, 201 bottles of D-X Tablets, 16 bottles of Sea-Soi, and 78 bottles of Kalseom. The bottles containing these products were of various sizes, and were located at Los Angeles, Calif.

These products consisted essentially of sea weed to which had been added various substances. For details of composition see drugs and devices notices of judgment, No. 1246.

VIOLATIONS CHARGED: West's Imported Sea Vegetables Tablets, misbranding, Section 403 (a), because of false and misleading statements on the bottle label and in a circular entitled, "West's Imported Sea Vegetables," which represented, suggested, and implied that there exists in the ordinary foods consumed a substantial deficiency in the mineral elements supplied by the