

On October 11, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1131. Misbranding of Helio Minerals. U. S. v. 3 Dozen Bottles and 3 Dozen Bottles of Helio Minerals. Default decree of condemnation and destruction. (F. D. C. No. 10360. Sample No. 33849-F.)

On August 6, 1943, the United States attorney for the Western District of New York filed a libel against 3 dozen 500-tablet bottles and 3 dozen 160-tablet bottles of Helio Minerals at Buffalo, N. Y., alleging that the article had been shipped on or about June 7 and July 30, 1943, from Detroit, Mich., by the Gordon Service, Inc.; and charging that it was misbranded.

Examination disclosed that the article consisted essentially of seaweed, alfalfa, and parsley leaves, and that 6 tablets, the number directed to be taken in 1 day, would provide only about $\frac{1}{15}$ of the minimum daily adult requirement for calcium, $\frac{1}{60}$ of the minimum daily adult requirement for phosphorus, $\frac{1}{5}$ of the minimum daily requirement of iron for adults and children over 6 years of age, and $\frac{1}{4}$ of the minimum daily requirement of iron for children under 6 years of age. The amount of copper provided was essentially inconsequential.

The article was alleged to be misbranded (1) in that the designation in its labeling, "Helio Minerals," was false and misleading as applied to a product which consisted essentially of seaweed, alfalfa, and parsley leaves; (2) in that the statements on its label, "(Dietary Supplement) Contain in Organic (natural) form all of the minerals now known to be essential to nutrition, especially rich in iron, copper," were false and misleading since the article, when taken in accordance with the directions on the label, "3 tablets after breakfast and 3 tablets after evening meal * * * Children over three can be given same amount," would provide but a small fraction of the requirement of adults or children for calcium, phosphorus, and iron, minerals which are known to be essential to nutrition; and also since the article supplied but an inconsequential trace of copper; and (3) in that the statements on its label, "Helio Minerals are prepared in the laboratories of an internationally recognized scientist from his own selection of *Macrosystis Pyrifera* (Giant Kelp) so as to retain their amazing content of minerals," and "Helio Minerals were prepared to supply minerals in large enough amounts to be of real value," were false and misleading since the article was prepared from seaweed (kelp), alfalfa, and parsley leaves, products which do not contain an unusual proportion of mineral constituents; and, when taken as directed, it would supply but a small fraction of the minerals now known to be essential to nutrition. It was alleged to be misbranded further because of false and misleading statements in a circular entitled "Feel Better Look Better Helio Minerals and Helio Natural B-Complex," which accompanied the article, and which represented and suggested that the article would be effective, either alone or in combination with vitamin B-Complex, to fulfill the promises of benefits stated and implied therein, viz., that it would enrich the blood, soothe the nerves, add energy, repair the body, and increase resistance to disease; that it would make the user feel better and look better; that it would protect the bones and teeth, strengthen the nerves, insure good digestion, keep tissues flexible and active, prevent poor muscular control, neutralize excess acids, produce internal cleanliness, aid in the treatment of rheumatism, skin, and other diseases, help one to sleep better, stimulate the appetite, regulate constipation, and strengthen the heart; that it would prevent neuritis, premature aging, cracking of lips, loss of hair, atrophy of oil glands, and loss of weight; and that it would promote growth, strengthen vision, courage, and morale, restore color to graying hair, and reduce dark coloring in birthmarks and freckles.

The article was also alleged to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

On September 20, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1132. Misbranding of Floritone. U. S. v. 5 $\frac{3}{4}$ Dozen Packages of Floritone. Default decree of condemnation and destruction. (F. D. C. No. 10194. Sample No. 19222-F.)

Examination of a sample of this article showed that it consisted essentially of glucose, dextrin, and whey powder.

On July 7, 1943, the United States attorney for the District of Massachusetts filed a libel against 5 $\frac{3}{4}$ dozen packages of Floritone at Boston, Mass., alleging that the article had been shipped on or about April 12, 1943, by the Nature Food Centres, Inc., from Providence, R. I.; and charging that it was misbranded. The

article was labeled in part: "Floritone * * * Manufactured by Vitoelectic Food Co. 903 Eddy Street Providence, R. I."

The article was alleged to be misbranded in that the statements appearing on the label, "If an increase in weight is desired take Floritone between meals. If a decrease in weight is desired take Floritone with meals. Large quantities of Floritone are desirable in diarrhea and toxemia," were false and misleading since they represented and suggested that the article would increase and decrease weight, and that it would be effective in the treatment of diarrhea and toxemia, whereas it would not be efficacious for such purposes.

On September 20, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed

1133. Misbranding of Miracle Slenderizing Cream. U. S. v. 16 Jars, 44 Jars, and 7 $\frac{3}{4}$ Dozen Jars of Miracle Slenderizing Cream, and 92 Circulars. Default decrees of condemnation and destruction. (F. D. C. Nos. 11801, 12875, 12876. Sample Nos. 57237-F, 57238-F, 63480-F, 70029-F.)

On or about February 16 and July 7 and 15, 1944, the United States attorneys for the District of New Jersey, the District of Utah, and the Northern District of Georgia filed libels against 44 jars of Miracle Slenderizing Cream at Newark, N. J., 7 $\frac{3}{4}$ dozen jars at Atlanta, Ga., and 16 jars and 92 circulars at Salt Lake City, Utah, alleging that the article had been shipped within the period from on or about November 16, 1943, to May 22, 1944, by Miracle Products from Chicago, Ill.; and charging that it was misbranded.

Analysis of a sample of the article showed that it consisted essentially of Epsom salt in an ointment base perfumed with methyl salicylate.

The article was alleged to be misbranded in that certain statements on the jar label and in circulars entitled "The Miracle Plan for a Slender Body," and "For the Preservation and Enhancement of Beauty," which accompanied the article when it was introduced into and while it was in interstate commerce, were false and misleading since they represented and suggested that the article would be effective in the reduction of surplus weight, whereas it would not be effective for that purpose.

It was alleged in the libel filed with respect to the lot seized at Newark that the circulars accompanied the article when introduced into and while in interstate commerce in the following manner: The Miracle Products shipped the circulars on or about November 24, 1943, and on November 16 and 26, 1943, shipped the Miracle Slenderizing Cream at Newark, where the drug and the circulars were brought together for distribution to purchasers; and that the joint shipment and receipt of the drug and the circulars relating thereto for joint distribution constituted a transaction in interstate commerce between the shipper and the consignee whereby the circulars accompanied the article when it was introduced and while it was in interstate commerce.

On April 17, August 8, and September 30, 1944, no claimant having appeared, judgments of condemnation were entered and the product, including the circulars in the Salt Lake City lot, was ordered destroyed.

1134. Misbranding of Nulfey Tablets and Genuine O. B. C. Capsules. U. S. v. 54 Packages of Nulfey Tablets and 54 Packages of Genuine O. B. C. Capsules (and 1 other seizure action against Nulfey Tablets). Default decrees of condemnation and destruction. (F. D. C. Nos. 10328, 11446. Sample Nos. 22654-F, 22655-F, 22867-F.)

On July 27 and December 16, 1943, the United States attorneys for the District of New Jersey and the District of Delaware filed libels against 54 packages of Nulfey Tablets and 54 packages of Genuine O. B. C. Capsules at Atlantic City, N. J., and 61 packages of Nulfey Tablets at Wilmington, Del., alleging that the articles, which had been consigned by the William A. Reed Co. on or about April 26, May 20, and June 10, 1943, had been shipped from Philadelphia, Pa.; and charging that they were misbranded.

Examination of the Nulfey Tablets disclosed that the article consisted essentially of sodium salicylate, sodium biphosphate, methenamine, and plant drugs including a laxative drug.

It was alleged to be misbranded because of false and misleading statements in its labeling which represented and suggested that the article would be effective for the relief of rheumatism, arthritis, neuritis, and sciatica; and that an article that was a diuretic and analgesic would be effective for the relief of kidney dysfunction.

Examination of the Genuine O. B. C. Capsules disclosed that the article consisted essentially of phenolphthalein, caffeine, and clay; that the statement of