

a tired-out feeling, rheumatic and neuritic pains, and general physical debility; that it would flush out thick, stagnant bile; that it would assist in the flushing of the kidneys; that it would make the digestive organs feel sweet and clean; that it was equal in virtue to quinine for fevers; that it would decrease the nauseating and griping effects of purgatives; and that it would cleanse the bowels gradually. The article would not be effective for those purposes.

DISPOSITION: August 21, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1679. Misbranding of Nielsen Lactic Milk Whey and Nielsen Lactic Agar Whey. U. S. v. 55 Bottles of Nielsen Lactic Milk Whey and 20 Bottles of Nielsen Lactic Agar Whey, and 5,000 circulars. Consent decree of condemnation and destruction. (F. D. C. No. 16039. Sample Nos. 26451-H, 26452-H.)

LIBEL FILED: On or about April 23, 1945, District of Colorado.

ALLEGED SHIPMENT: By the Nielsen Laboratories, Inc., from Elyria, Ohio. The drugs were shipped on or about January 9 and March 1, 1945, and the circulars were shipped on or about December 1, 1944.

PRODUCT: 55 bottles of *Nielsen Lactic Milk Whey*, 20 bottles of *Nielsen Lactic Agar Whey*, and 5,000 circulars at Denver, Colo. Various circulars were entitled: "Nielsen Health Products * * * Diabetes [or "Constipation," "Colitis," "Gastric Ulcers," "High Blood Pressure," "Dyspepsia & Gastritis," "Rheumatism & Arthritis," or "Hyperacidity & Dyspepsia"]." Other circulars were entitled: "Nielsen Lactic Milk Whey Aids Digestion," "Nielsen Lactic Milk Whey," "Nielsen Lactic Agar Whey," and "The pH In Colon Therapy."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the circular entitled "The pH in Colon Therapy" were false and misleading since they represented and suggested and created the impression that the *Milk Whey* would be effective in the treatment of constipation, in replacing *Bacillus acidophilus* therapy inducing an acid colon, and in ridding the intestinal tract of harmful bacteria, whereas the article would not be effective for such purposes.

Further misbranding, Section 502 (a), certain statements in the other circulars accompanying the articles were false and misleading since they created the impression that the *Milk Whey* and the *Agar Whey*, alone or in combination, would be effective in aiding digestion, in eliminating body poisons, and in promoting and maintaining good health; that they would be effective in retarding fermentation, gas production, and the formation of harmful bacteria or toxic poisons in the intestines; that they would be effective in the treatment of constipation, diabetes, colitis, gastric ulcers, high blood pressure or arteriosclerosis, low blood pressure, dyspepsia, indigestion, gastritis, rheumatism, arthritis, hyperacidity or acid stomach, diarrhea, and dysentery; and that they would act on the underlying causes of constipation and would rid the intestinal tract of harmful bacteria. The articles, alone or in combination, would not be effective for such purposes.

Further misbranding, Section 502 (a), the designation of the product, "Lactic Agar Whey for Constipation," was misleading since the article depended upon mineral oil for its laxative action:

DISPOSITION: June 25, 1945. The Nielsen Laboratories, Inc., having consented to the entry of a decree, judgment of condemnation was entered and the products, including the circulars, were ordered destroyed.

1680. Misbranding of Schrage's Medicine. U. S. v. 66 Packages of Schrage's Medicine. Default decree of condemnation and destruction. (F. D. C. No. 15293. Sample No. 96922-F.)

LIBEL FILED: February 22, 1945, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about May 4, 1944, by the Frank Schrage Laboratories, Chicago, Ill.

PRODUCT: 66 packages, each package containing a bottle of a liquid preparation and an envelope containing pills. Analysis showed that the liquid consisted essentially of sodium salicylate, potassium iodide, sugar, alcohol, water, and extracts of plant drugs, including a laxative drug. The pills consisted essentially of mercury and laxative plant drugs.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the bottle labels, envelopes, and in an accompanying circular, were false and misleading since they represented and suggested that the liquid medicine would

be effective in the treatment of rheumatic and neuralgic aches and pains, rheumatism, and gout; and that the combination of the liquid and pills would be effective in freeing the system from bile and in starting a natural action of the liver. The articles, either alone or in combination, would not be effective for the purposes claimed.

DISPOSITION: August 29, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1681. Misbranding of Pa-Poya. U. S. v. 12 Jugs and 5 Bottles of Pa-Poya. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 16127. Sample No. 2873-H.)

LABEL FILED: May 9, 1945, District of Columbia.

ALLEGED SHIPMENT: From Miami, Fla., by the Tropical Fruits Laboratory.

PRODUCT: 12 1-gallon jugs of *Pa-Poya*, together with a quantity of the same product repacked from gallon containers into 4 1-quart bottles and 1 1-pint bottle. The product was offered for sale while in possession of the Citrus Juice Co., Washington, D. C.

Examination showed that the product was a clear liquid having an artificial fruit-type flavor and a burning taste, containing not more than 4 milligrams of vitamin C per ounce, and possessing no digestive properties.

NATURE OF CHARGE: Misbranding (12-jug lot), Section 502 (a), the label statements which represented and suggested that the article would be effective in the treatment, relief, or correction of indigestion, gastric disorders, irritated throat, childrens disorders, "morning after" disaster, stomach disorders, sore throats, eczema, acidosis, and many other ailments, were false and misleading since the article would not be effective in the treatment, relief, or correction of those conditions and diseases.

Misbranding (repacked lot), Section 502 (a), the statements appearing on the labels furnished by the shipper and attached to the bottles containing the article, "A Tropical Fruit Beverage Concentrate containing the entire Papaya—pulp, * * * skin and seed * * * As an aid to digestion or gastric disturbance," were false and misleading since the article did not contain the pulp, skin, or seeds of papaya, and it would not be effective as an aid to digestion or gastric disturbances.

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, No. 8299.

DISPOSITION: August 21, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

1682. Misbranding of vitamin B complex tablets and vitamin and mineral tablets. U. S. v. 76 Packages of Vitamin B Complex Tablets, etc. Default decree of condemnation and destruction. (F. D. C. No. 16285. Sample Nos. 6327-H, 6328-H.)

LABEL FILED: May 29, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about January 19, 1945, by the City Food Mart, Fort Atkinson, Wis.

PRODUCT: 76 packages of *vitamin B complex tablets*, 119 packages of *vitamin B complex with added thiamine*, and 55 packages of *vitamin and mineral tablets* at New York, N. Y.; also approximately 50 leaflets entitled "Buoyant Health for All the Family," 50 leaflets entitled "For Your Health's Sake," 6 display racks entitled "Feel Fit as a Major," and 12 circular display cards entitled "Ask for Major-B Brand."

LABEL, IN PART: "Major-B Natural Vitamin B Complex Tablets [one lot further labeled, "with Added Thiamine"]"; "Major Vitamins and Minerals Vitamins A, B, D with Calcium, Phosphorus, Iron."

NATURE OF CHARGE: *Vitamin B complex tablets* and *vitamin B complex tablets with added thiamine*, misbranding, Section 502 (a), certain statements in accompanying leaflets entitled "Buoyant Health for All the Family" and "Vitamins for Victory," and on the display racks, were false and misleading since they created the impression that the articles would be effective to provide greater energy, steadier nerves, better digestion, improved health and vigor, better appetite, insurance from vitamin deficiencies, physical well-being, and protection against frequent colds, constipation, fatigue, digestive upsets, and other com-