1724. Misbranding of Paracelsus. U. S. v. American Biochemical Corporation. Plea of guilty. Fine, $600. (F. D. C. No. 14281. Sample Nos. 3786–F, 3787–F, 59316–F.)

INFORMATION FILED: May 16, 1945, Northern District of Ohio, against the American Biochemical Corporation, Cleveland, Ohio.

ALLEGED SHIPMENT: From the State of Ohio into the States of Missouri and Illinois. The product was shipped on or about November 26 and 29 and December 16, 1943, and was accompanied by a number of circulars which were shipped between October 30, 1943, and January 5, 1944.

PRODUCT: Analysis disclosed that the product contained calcium lactate, sodium phosphate, magnesium sulfate, potassium iodide, manganese carbonate, iron albuminate, potassium chloride, sodium chloride, sodium bicarbonate, sodium sulfate, lithium carbonate, and organic matter.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the circulars which accompanied the article, and which were entitled "Paracelsus Food and Health," "The Active Life of These Two is the Wonder of Their Friends," and "Here's What They Say About Paracelsus," were false and misleading since they represented and suggested that the article was a body builder and tonic, by reason of its mineral content; that it would be effective in the cure, mitigation, treatment, and prevention of arthritis, rheumatism, neuritis, coughs, asthma, and general debility; that it would be of value in improving the functions of all body organs; and that it would provide vigor and vitality, aid digestion, and purify the blood. The article would not be efficacious for the purposes represented or accomplish the results claimed.

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.

DISPOSITION: November 26, 1945. A plea of guilty having been entered, the court imposed a fine of $100 on each of 6 counts.

1725. Misbranding of Kaldak. U. S. v. 19 Cans and 22 Cans of Kaldak. Default decree of condemnation and destruction. (F. D. C. No. 18707. Sample No. 29580–H.)

DISPOSITION. November 26, 1945. A plea of guilty having been entered, the

ALLEGED SHIPMENT: On or about October 12, 1945, by the Kaldak Co., from Lansing, Mich.

PRODUCT: 19 12-ounce cans and 22 5-ounce cans of *Kaldak* at San Francisco, Calif. The product was represented on its label as containing dried brewer's yeast, irradiated yeast, reduced iron, and dicalcium phosphate. Examination indicated that it had essentially the composition declared on its label.

LABEL, IN PART: "Kaldak A Dietary Food Supplement Providing Natural Vitamin B Complex, Vitamin D, Iron, Calcium and Phosphorus."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in a circular headed "Faulty body chemistry may often contribute to symptoms of," in a leaflet headed "Proof Aplenty about Kaldak," and in a display placard headed "try Kaldak," which were shipped with the article, were false and misleading since they represented and suggested that the article would be effective in the treatment and prevention of a wide variety of diseases, conditions, and symptoms, including arthritis, neuritis, colitis, constipation, anemia, digestive disorders, chronic fatigue, high blood pressure, thyroid trouble, sinus trouble, low blood pressure, kidney trouble, and nervousness. The article would not be effective in the treatment and prevention of the diseases, conditions, and symptoms stated and implied.

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.

DISPOSITION: March 19, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1726. Misbranding of Bush Cal-O-Stace, Bush's All-In-One Broth, and Bush Kelp Tablets. U. S. v. 660 Cartons of Bush Cal-O-Stace, 260 Cartons of Bush's All-In-One Broth, 12 Cartons of Bush Kelp, and approximately 150 books. Default decree of condemnation and destruction. (F. D. C. No. 18061. Sample Nos. 2942–H to 2944–H, incl.)

LIBEL FILED: October 26, 1945, District of Columbia.

PRODUCT: 660 cartons, each containing 250 tablets, of *Bush Cal-O-Stace;* 260 cartons, each containing 12 ounces, of *Bush's All-In-One Broth;* and 12 car-

tons, each containing 200 tablets, of *Bush Kelp*, which products were held for sale in the District of Columbia by David V. Bush, together with approximately 150 accompanying books entitled "What To Eat."

LABEL, IN PART: (*Cal-O-Stace*) "Each tablet contains: Dicalcium Phosphate, Calcium Carbonate and Malt Diastase * * * Six tablets per day supplies 65% of the adult minimum daily requirement for Calcium, and 19% of this requirement for Phosporus"; (*All-In-One-Broth*) "Ingredients: Bush All-In-One Broth Carrot Powder; White Celery Powder; Whole Barley; Onion Powder; Pimiento Powder; Tomato Powder; Salt; Orange Powder; Irish Moss Powder; Okra Powder; Alfalfa Dust; Chili Powder; Watercress Parsley Powder; Celery Seed; Garlic Powder; Vegetable Protein; Sodium Glutemate Derivative"; (*Bush Kelp*) "Bush Kelp Tablets, compressed into tablet form for your convenience, are pure, carefully dehydrated Pacific Ocean Kelp, or marine vegetation."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the accompanying books were false and misleading since they represented and suggested that the articles, singly or in combination, would be effective for the reduction of weight, for internal cleansing, for body building, and for taking down the waistline to normal; that they would be effective in preventing many serious conditions of a chronic nature which are due to a deficiency of calcium and phosphorus in the body; that they would be effective for nourishing skin, teeth, bones, lung tissue, nerves, fingernails, and toenails; that they would be effective to give strength and vitality to resist disease; that they would be effective to repair the bodies of adults and children and to overcome run-down conditions resulting from improper food intake; and that they would supply an important proportion of the body's need for phosphorus. The articles, singly or in combination, would not be effective for those purposes.

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

DISPOSITION: February 14, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

1727. Misbranding of Pa-Po-Ya. U. S. v. 109 Bottles of Pa-Po-Ya. Default decree of condemnation. Product ordered delivered for the use of St. Elizabeth's Hospital. (F. D. C. No. 18017. Sample No. 2940–H.)

LIBEL FILED: October 18, 1945, District of Columbia.

PRODUCT: 57 1-pint bottles, 44 1-quart bottles, and 8 1-gallon bottles of *Pa-Po-Ya*, held for sale in the District of Columbia in the possession of the Citrus Juice Co., Washington, D. C. Examination showed that the product was a syrup with a burning taste, and that it possessed no protein digestive properties.

LABEL, IN PART: "Pa-Po-Ya * * * A concentrate syrup (Tropical Laboratory Process) made from the Tropical Melon, Papaya, including skin, pulp and seed; sugars, inverted with fruit acid—added, honey, fruit and vegetable flavors * * * The Tropical Tree-Melon Papaya. So rich in Natural Vitamins A-B-C-G and ten minerals plus a natural aid to digestion (Pa-pain)."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label were false and misleading since they represented and suggested that the article would be effective for aiding digestion, giving health, curing, and vitalizing; that it would be effective in treating stomach disorders, sore throat, and eczema; that it would be effective in combating acidosis; that it would be effective for indigestion, gastric disorders, disorders of children, and many other ailments; that it possessed the power of digesting protein; and that it would aid in avoiding "morning after disaster." The article would not be effective for such purposes.

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

DISPOSITION: January 28, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Government institution in the District of Columbia.