

**LABEL, IN PART:** (Drum) "Special Formula No. A-2343 Rx Compressed Tablets Resorcin 1 gr. Powd. Rhubarb Equiv. 2 grs. Sodium Sulfate Dried 2 grs. Bismuth Subsaliicylate 2 grs." and (bottle) "Tablets Miller's Compound Resorcin Bismuth and Rhubarb Tablets (An Antacid and Mild Laxative). Active Ingredients: Resorcin, Bismuth Subsaliicylate, Sodium Sulphate, Rhubarb."

**NATURE OF CHARGE:** Misbranding (tablets in drum and bottles), Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use. The article was misbranded in this respect when introduced into and while in interstate commerce.

Misbranding (tablets in bottles), Section 502 (a), the label statements "(An antacid and Mild Laxative) Active Ingredients: Resorcin \* \* \* Sodium Sulphate, Rhubarb. \* \* \* For Indigestion \* \* \* As a Laxative in Constipation \* \* \* To avoid dependence on laxatives take only when needed" were false and misleading since resorcin, sodium sulfate and rhubarb would contribute nothing to the antacid effects of the product; the article was not an adequate and effective treatment for all types of indigestion; and it was not a laxative; and the label statement "Active Ingredients: Resorcin, Bismuth Subsaliicylate, Sodium Sulphate, Rhubarb" was false and misleading since bismuth subsaliicylate was the sole active ingredient of the article. Further misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use as an antacid. The article was misbranded in these respects while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 9, 1952. Default decree of condemnation and destruction.

**3905. Adulteration and misbranding of Supra-Vite Special and Supra-Vite Junior. U. S. v. 80 Cases, etc. (F. D. C. No. 33519. Sample Nos. 27293-L to 27295-L, incl.)**

**LABEL FILED:** August 26, 1952, Northern District of California.

**ALLEGED SHIPMENT:** Between the approximate dates of February 6, 1952, and August 17, 1952, by the Supra-Vite Corp., from New York, N. Y.

**PRODUCT:** 80 cases, each containing 24 cartons, of *Supra-Vite Special* (capsules and tablets), 35 cases, each containing 24 cartons, of *Supra-Vite Junior* (capsules and tablets), and 60 cases, each containing 12 cartons, of *Supra-Vite Junior* (powder), at San Francisco, Calif., and Modesto, Calif., together with printed matter entitled "Supra-Vite Sales Manual," a leaflet "Supra-Vite Life is Worth Living," a book by D. T. Quigley "The National Malnutrition," a pamphlet "Your Most Priceless Possession," a leaflet by Fred Bailey (American Magazine, October 1947) "We Feed Our Hogs Better Than Our Children," "Modern Miracle Men" by Rex Beach, "Why We Need Vitamin E" by August J. Pacini, "Soil, a Foundation of Health," by Arnold Yerkes (International Harvester Co., 1946), "—For Heart Disease: Vitamin E" by J. D. Ratcliff (Coronet, October 1948), a leaflet "Why Are We in America Suffering from Malnutrition That Threatens to Make Us a 4-F Nation?" and a leaflet "Malnutrition The Hidden Hunger Menace."

**LABEL, IN PART:** "Supra Vite Special An Improved Highly-Concentrated Food Supplement \* \* \* Four red vitamin capsules and four mineral tablets (suggested daily intake) supply the following amounts and proportions of the minimum adult daily requirements. Vitamin A . . . 25,000 USP units . . . 624% Vitamin D . . . 2,000 USP Units . . . 500% Vitamin B<sub>1</sub> . . . 10 Mgs.

... 1000% Vitamin B<sub>2</sub> ... 10 Mgs. ... 500% Vitamin B<sub>6</sub> ... 2 Mgs. Vitamin B<sub>12</sub> ... 0.5 Mcg. Vitamin C ... 300 Mgs. ... 1000% Calcium Pantothenate ... 20 Mgs. Choline Dihydrogen Citrate ... 10 Mgs. Niacinamide ... 100 Mgs. Vitamin E ... 100 Mgs. (100 int. Units) Calcium ... 750 Mgs. ... 100% Phosphorus ... 380 Mgs. ... 50% Iron ... 10 Mgs. ... 100% Iodine ... 0.2 Mg. ... 200% Copper ... 0.1 Mg. Fluorine ... 0.2 Mg. Manganese ... 1 Mg. Cobalt ... 0.1 Mg. Nickel ... 0.1 Mg. Zinc ... 0.1 Mg. Chlorophyll ... 1 Mg. Kelp ... 6 Grs. Folic Acid ... 1 Mg. Rutin ... 1 Mg. Inositol ... 15 Mgs. Para-Amino Benzoic Acid ... 15 Mgs." and "Supra Vite Junior A Concentrated Food Supplement In Powder Form \* \* \* Two level teaspoonfuls (10 gms. suggested daily intake) [or "Supra Vite Junior A Concentrated Food Supplement \* \* \* Two red vitamin capsules, one yellow Vitamin E perle and four mineral tablets (suggested daily intake)] supply the following amounts and proportions of the minimum adult daily requirements: Vitamin A ... 20,000 USP Units ... 500% Vitamin D ... 2,000 USP Units ... 500% Vitamin B<sub>1</sub> ... 10 Mgs. ... 1000% Vitamin B<sub>2</sub> ... 6 Mgs. ... 300% Vitamin B<sub>6</sub> ... 2 Mgs. Vitamin B<sub>12</sub> ... 0.5 Mcg. Vitamin C ... 200 Mgs. ... 666% Calcium Pantothenate ... 10 Mgs. Choline Dihydrogen citrate ... 10 Mgs. Niacinamide ... 50 Mgs. Vitamin E ... 5 Mgs. (5 Int. Units) Calcium ... 750 Mgs. ... 100% Phosphorus ... 380 Mgs. ... 50% Iron ... 10 Mgs. ... 100% Iodine ... 0.2 Mg. ... 200% Copper ... 0.1 Mg. Cobalt ... 0.1 Mg. Manganese ... 1 Mg. Zinc ... 0.1 Mg. Chlorophyll ... 1 Mg. Nickel ... 0.1 Mg. Inositol ... 15 Mgs. Para-Amino Benzoic Acid ... 15 Mgs."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the *Supra-Vite Special* and the *Supra-Vite Junior* (capsules and tablets) differed from that which they purported and were represented to possess. The labels of the *Supra-Vite Special* declared that 4 red vitamin capsules and 4 mineral tablets of the articles would supply 380 milligrams of phosphorus, whereas the capsules and tablets would supply a lesser amount of phosphorus. The label of the *Supra-Vite Junior* (capsules and tablets) declared that 2 red vitamin capsules, 1 yellow vitamin E perle, and 4 mineral tablets of the articles would supply 750 milligrams of calcium and 380 milligrams of phosphorus, whereas such capsules, perle, and tablets would supply lesser amounts of calcium and phosphorus.

Misbranding, Section 502 (a), the labeling of the articles, when taken as a whole, as well as through specific claims, and in the setting in which the labeling was presented, contained statements which represented and suggested that (a) almost everyone in the United States is either ill or about to become ill as a result of various deficiency ailments; (b) our health is being undermined by malnutrition and/or dietary deficiencies which cause all illnesses except those due to accident, poison, infection, and exposure; (c) the average American diet is deficient in vital food factors, resulting in malnutrition; (d) these dietary deficiencies are attributable to depleted soil, processing practices, and storage and cooking methods, which make it impossible to obtain in the diet the food factors that are essential to health; and (e) the only way to achieve and maintain health in the United States today, in short, to cure, prevent, and treat all diseases and the ailments afflicting mankind, is to use a vitamin and mineral supplement, namely "Supra-Vite," which representations and suggestions were false and misleading since they are contrary to fact.

Further misbranding, Section 502 (a), certain statements in the labeling of the articles were false and misleading. The statements represented and suggested that the articles were an adequate and effective treatment for all diseases or ill health (except from accident, poison, exposure, or bad habits), e. g., diabetes, impaired visual function, poor posture, flat feet, skin eruptions, sore throats, spinal curvature, allergies, heart disease, arthritis, sterility, nerve and muscle disorders, as well as other major disorders, general conditions such as a lack of good health, and personality disorders; and that the articles were effective to provide buoyant health and a super state of well-being. The articles were not an adequate and effective treatment for such conditions and purposes.

Further misbranding, Section 502 (f) (1), the labeling of the articles failed to bear adequate directions for use in the treatment of all diseases or ill health, e. g., diabetes, impaired visual function, poor posture, flat feet, skin eruptions, sore throats, spinal curvature, allergies, heart disease, arthritis, sterility, nerve and muscle disorders, as well as other major disorders, general conditions such as a lack of good health and personality disorders, and for the provision of buoyant health and a super state of well-being, which were the conditions for which the articles were intended.

The articles were adulterated and misbranded in the above respects when introduced into, while in, and while held for sale after shipment in, interstate commerce.

**DISPOSITION:** October 17, 1952. The Supra-Vite Corp., claimant, having consented to the entry of a decree, judgment of condemnation was entered. The court ordered that the labeling of the products, consisting of the accompanying literature, be destroyed and that the products without such labeling be released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

**3906. Misbranding of Hope mineral tablets. U. S. v. 140 Bottles \* \* \* (and 17 other seizure actions).** (F. D. C. Nos. 32479, 33013, 33016, 33028, 33159 to 33162, incl., 33164, 33166 to 33169, incl., 33173 to 33175, incl., 33177, 33183, 33198. Sample Nos. 6407-L to 6410-L, incl., 7040-L, 7042-L, 7043-L, 7903-L, 7904-L, 24077-L, 25818-L, 27220-L, 27450-L, 27462-L, 29206-L to 29209-L, incl., 29212-L, 29213-L, 29216-L, 31609-L, 35289-L.)

**LABELS FILED:** Between February 1 and May 14, 1952, Western District of Wisconsin, Western District of Pennsylvania, Northern District of California, Eastern District of Illinois, District of Oregon, District of Massachusetts, and District of New Jersey.

**ALLEGED SHIPMENT:** Between December 12, 1951, and April 19, 1952, by the Hope Co., from St. Louis, Mo., and East St. Louis, Ill.

**PRODUCT:** 7,294 40-tablet bottles of *Hope mineral tablets* at Monroe, Wis.; New Kensington, Brownsville, Uniontown, and Ellwood City, Pa.; Richmond, Santa Cruz, and Petaluma, Calif.; Effingham, Ill.; Portland, Oreg.; Boston, Mass.; and Vineland and Elizabeth, N. J.

**RESULTS OF INVESTIGATION:** Various representations concerning the conditions for which the product was intended were published in advertisements contained in local newspapers at the places where the product was located. These advertisements were printed on instructions of, and from mats furnished by, the Hope Co.