

sules were misbranded in this respect when introduced into and while in interstate commerce.

Further misbranding, Section 502 (a), the labeling of the capsules in the vials, namely, the carton and vial labels and the above-mentioned literature, was false and misleading. The labeling contained statements which represented and suggested that the capsules when taken as directed were effective to relieve fatigue and that tired, run-down feeling; for blood building; and to provide a quick pick-up with no subsequent depression. The capsules when taken as directed were not effective for such purposes. The capsules were misbranded in this respect while held for sale after shipment in interstate commerce.

**DISPOSITION:** September 26, 1951. The Mapco Pharmacal Co. having filed a claim in the case and subsequently having defaulted in taking any further action, judgment of condemnation was entered and the court ordered that the product be destroyed.

**3626. Misbranding of Special Family-Pak vitamin capsules and mineral tablets.**  
U. S. v. 43 Packages \* \* \*. (F. D. C. No. 28733. Sample Nos. 68505-K, 68507-K, 68517-K.)

**\* LABEL FILED:** March 2, 1950, Western District of Washington; amended label filed March 25, 1950.

**ALLEGED SHIPMENT:** On or about February 6, 17, and 23, 1950, from Lynwood, Calif.

**PRODUCT:** 43 packages of *Special Family-Pak vitamin capsules and mineral tablets* at Seattle, Wash., in the possession of Nutritional Products.

**RESULTS OF INVESTIGATION:** The product was promoted by means of printed matter on the subject of nutrition and through oral representations made by Mrs. Judith A. Norberry, owner of Nutritional Products, and a salesman for Mrs. Norberry. A copy of a form letter on the letterhead of Nutritional Products and beginning "Dear ——— Several days ago, we mailed you a copy of an article on Heart Disease which appeared in Coronet Magazine," a reprint of an article in the October 1948 issue of Coronet Magazine entitled "For Heart Disease: Vitamin E by J. D. Ratcliff," a booklet entitled "You can have A Life Worth Living," and reprints entitled "'E' Found To Avert Menopausal Pains" and "Vitamin E May Hand 'Knockout' to Surgery Killer" were distributed by Nutritional Products through the mails or personally by Mrs. Norberry and the salesman. Oral representations were made by both individuals during sales talks with prospective customers.

**LABEL, IN PART:** "Special Family-Pak with Hy E Supplemental Nutrition This package contains: 60 Multiple Vitamin Capsules—90 Hy E Perles 90 Mineral Tablets Two red vitamin capsules, three yellow E perles and three mineral tablets (suggested daily intake) supply the following amounts and proportions of minimum daily adult requirements: Vitamin A 25,000 USP units . . . 624%. Vitamin D 2,000 USP units . . . 500% Vitamin B<sub>1</sub> 10 Mg. . . . 1000% Vitamin B<sub>2</sub> 10 Mg. . . . 500% Vitamin B<sub>6</sub> 2 Mg. Vitamin C 300 Mg. . . . 1000% Calcium Pantothenate 20 Mg. Niacin Amide USP 100 Mg. Vitamin E (90 Int. Units or) 90 Mg. Calcium 750 Mg. . . . 100%. Phosphorus 380 Mg. . . . 50% Iron 10 Mg. . . . 100%. Copper 0.1 Mg. Iodine 0.2 Mg. . . . 200% Para Aminobenzoic Acid 15 Mg. Chlorophyll 1 Mg. Inositol 15 Mg. Folic Acid 1 Mg. Rutin 1 Mg. Fluorine 0.2 Mg. Kelp 6 Grs."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in the labeling of the article, namely, the accompanying booklets, reprints, and form letter, were false and misleading. The statements represented and suggested that the article was an adequate and effective treatment for coronary, anginal, hypertensive, and rheumatic heart disease; for anginal pain; for high blood pressure; for increasing the body's resistance to infections, especially of the respiratory tract; for promoting growth in children; for preventing conjunctivitis, pain, paralysis, neuritis, shingles, sprue or celiac disease, infections, sterility, paralysis of muscle tissues, and deterioration of mental vigor and the ability to think clearly or for long periods; for preventing nervous, mental, muscular, skin, and digestive upsets; for providing endurance; for healing wounds; for counteracting acids; for nourishing the brain and nerves; by acting as a tonic for promoting vitality; for providing energy and vitality; for protecting against physical unsoundness; for providing a body fit for an active and forceful spirit; and for preventing menopausal pain and thrombosis. The article was not an adequate and effective treatment for such conditions and purposes.

The libel alleged further that if the allegations that the above-mentioned booklets, reprints, and letter were part of the labeling of the product are not upheld by the court, then the article was further misbranded under Section 502 (f) (1) in that the labeling failed to bear adequate directions for use in the conditions named in the previous paragraph.

Further misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use in asthma, bronchitis, arthritis, rheumatism, loss of hair, colds, nervousness, and eczema in children; for use in improving the keenness of mind in children; for use in the treatment of incipient cataracts; for use in lung conditions; and for use in the prevention of cancer, which were the conditions for which the article was intended by the distributor.

The article was misbranded in the above respects while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 24, 1951. Judith A. Norberry, claimant, having consented to the entry of a decree without admitting the truth of the allegations of the libel, judgment of condemnation was entered and the court ordered that the product and the printed and graphic matter be destroyed.

#### DRUG ACTIONABLE BECAUSE OF CONTAMINATION WITH FILTH

**3627. Adulteration of orrisroot. U. S. v. 181 Bags \* \* \*. (F. D. C. No. 30917. Sample No. 24004-L.)**

**LIBEL FILED:** April 12, 1951, District of New Jersey.

**ALLEGED SHIPMENT:** On or about November 23, 1948, from New York, N. Y.

**PRODUCT:** 181 bags, each containing 110 pounds, of *orrisroot* at Bayonne, N. J.

**NATURE OF CHARGE:** Adulteration, Section 501 (a) (1), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

The article was alleged also to be adulterated under the provisions of the law applicable to cosmetics, as reported in notices of judgment on cosmetics, No. 193.

**DISPOSITION:** July 2, 1951. Default decree of condemnation and destruction.