

ALLEGED SHIPMENT: On or about August 27, 1951, by John McVey, also known as H. W. Pierce, from Carr, Colo.

PRODUCT: 23 12-ounce cartons of *Diaplex* at Emmett, Idaho. Examination showed that the product consisted of ground plant material derived from a species of saltbush such as *Atriplex canescens*.

LABEL, IN PART: "Diaplex for Diabetics * * * for further information address c/o H. W. Pierce, Wellington, Colo."

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements on the label of the article were false and misleading since they represented and suggested that the article was an adequate and effective treatment for diabetes, and that use of the article by diabetics would render treatment with insulin unnecessary, whereas the article was worthless in the treatment of diabetes: "Diaplex for Diabetics * * * A diabetic should drink * * * Diaplex * * * watch the urine test daily and you will be amazed at the results * * * Persons using Diaplex with insulin should make the urine test daily, and as the pancreas increases its normal functions, reduce the amount of insulin sufficiently to avoid insulin reaction. Only use enough insulin to take care of the surplus sugar, and eventually eliminate the insulin entirely. But continue the use of Diaplex until you are well and strong. Persons who have never used insulin, and not in coma, will find it unnecessary to do so. All that will be required is to adhere to a good diabetic diet and drink two quarts of Diaplex for a few months, and like thousands of others he, too, will rejoice in the grand activity of good health and vigor."

Further misbranding, Section 502 (e) (1), the label of the article failed to bear the common or usual name of the drug.

DISPOSITION: November 5, 1951. Default decree of forfeiture and destruction.

3635. Misbranding of d-alphatocopheryl acetate capsules (Daland's Vit E Min Gelucaps). U. S. v. 1 Unlabeled Paper Bag, etc. (F. D. C. No. 28479. Sample No. 48592-K.)

LIBELS FILED: December 13, 1949, District of Delaware; amended libels filed May 1 and July 12, 1951.

ALLEGED SHIPMENT: On or about September 23, October 21, and November 3, 1949, from Newark, N. J.

PRODUCT: *d-alphatocopheryl acetate capsules*. 1 unlabeled paper bag containing 1,000 capsules; 23 bottles, each containing 100 capsules; 4 bottles, each containing 50 capsules; 1 bottle containing 1,000 capsules; and 2 bottles, each containing 500 capsules, in possession of the Daland Vitamin Co., Wilmington, Del.

The capsules had been repacked into the paper bag and bottles from the bulk containers in which they had been shipped in interstate commerce.

LABEL, IN PART: (Bottles) "Daland's Vit E Min Gelucaps 100 Mg. [or "30 Mg."] Alpha-Tocopherol."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in a booklet entitled "Excerpts from the Treatment of Cardiovascular and Renal Diseases with Vitamin E 'Alpha Tocopherol,'" which accompanied the article were false and misleading. The statements represented and suggested that the article was an adequate and effective treatment for cardiovascular and renal diseases; that vitamin E therapy has the distinctive feature of improving the function of damaged hearts by attacking the underlying patho-

logical changes; that the article was an adequate and effective treatment for every common type of heart disease; that it was the most effective known medication in the treatment of heart disease; that it would decrease the anoxia of the cardiac muscle; that it would invade scar tissue with fresh blood vessels, thus softening or relaxing it; that it would decrease capillary fragility and permeability; that it would produce dilation of arterioles and venules; that it would prevent further thrombosis and help to resolve existing thrombi; that the digitalis requirement was often reduced after the administration of the article; that the article was an adequate and effective treatment for acute coronary thrombosis, older cases of coronary thrombosis, acute rheumatic fever, chronic rheumatic heart disease, anginal syndrome, hypertensive heart disease, acute hemorrhagic nephritis, indolent ulcers, thrombocytopenic purpura, thrombophlebitis, phlebothrombosis, early gangrene of the extremities, intermittent claudication, Buerger's disease, cerebral thrombosis, old coronary occlusion, acute rheumatism, rheumatic heart disease, phlebitis of the leg in pregnancy, diabetes mellitus, and diabetes in cardiac patients; and that the article would reduce the insulin requirement in diabetics and in diabetic cardiatics. The article was not an adequate and effective treatment for such conditions, and it would not fulfill the promises of benefit implied, represented, and suggested.

Further misbranding, Section 502 (a), the label statement "Alpha-Tocopherol" was false and misleading as applied to an article which was d-alpha-tocopheryl acetate.

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

DISPOSITION: Judson D. Ryon, trading as the Daland Vitamin Co., appeared as claimant and filed an answer denying that the product was misbranded. The Government subsequently filed a request for answers to certain written interrogatories, which the claimant answered in part and objected to in part. On November 27, 1951, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product and the accompanying labeling be destroyed.

3636. Misbranding of mineral tablets, B complex vitamins with iron tablets, and Mo Tee Na tablets. U. S. v. 59 Bottles, etc. (F. D. C. No. 31598. Sample Nos. 11297-L to 11299-L, incl.)

LABEL FILED: August 7, 1951, Northern District of Ohio.

ALLEGED SHIPMENT: On or about April 24 and May 24, 1951, by the Mineral Food Co., from Indianapolis, Ind.

PRODUCT: 59 bottles of *mineral tablets*, 24 bottles of *B complex vitamins with iron tablets*, and 13 bottles of *Mo Tee Na tablets* at Millersburg, Ohio, together with copies of leaflets entitled "The M. F. Co.'s Vitamin B Complex" and "Mineral Supplement"; copies of a card entitled "Supplement Your Mineral and Vitamin Diet"; copies of mimeographed sheets entitled "Natures Minerals Vitamins," "Cochrane on the Ball," "Compare Our Formula With Any Advertisement in News Papers," "Important," and "Dr. William Brady Says"; and a copy of a mimeographed letter addressed "Good Morning Dear Friend."

LABEL, IN PART: (Bottles) "The M. F. Co's Minerals 270 Tablets * * * Contains: Potassium Iodide, Calcium Phosphate, Calcium Carbonate, Sodium Phosphate, Iron Sulfate Exsiccated, Sodium Chloride (iodized salt)";