

On July 8, 1941, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be relabeled and sold as ordinary feed.

**572. Adulteration of Gynantrin. U. S. v. 1525-cc. Vials of Gynantrin. Default decree of condemnation and destruction. (F. D. C. No. 5600. Sample No. 62510-E.)**

This product was represented on the label to possess a potency of 100 rat units of anterior pituitary hormone per cc.; whereas examination showed that it possessed a potency of not more than 12 rat units per cc.

On September 8, 1941, the United States attorney for the Northern District of Illinois filed a libel against the above-named product at Chicago, Ill., alleging that it had been shipped on or about February 7, 1941, by Difco Laboratories from Detroit, Mich.; and charging that it was adulterated. When shipped it was labeled in part: "Difco Anterior Pituitary Sex Hormone Solution 100 Rat Units per CC." Subsequently it was relabeled in part: "Gynantrin \* \* \* Anterior Pituitary Gonad."

The article was alleged to be adulterated in that its strength differed from that which it purported or was represented to possess, namely, 100 rat units per cc.

On October 15, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**573. Adulteration and misbranding of isopropyl alcohol compound. U. S. v. 214½ Dozen 6-Fluid-Ounce Packages and 39½ Dozen 16-Fluid-Ounce Packages of Paramount Brand Isopropyl Alcohol Compound. Default decree of condemnation and destruction. (F. D. C. No. 4628. Sample No. 57311-E.)**

Examination of samples of this product showed that it contained only 10 percent by volume of isopropyl alcohol, whereas it was labeled "Isopropyl Alcohol 25 Percent." Furthermore, isopropyl alcohol rubbing compounds usually contain a much higher proportion of isopropyl alcohol than the amount found and even much higher than the amount declared.

On May 7, 1941, the United States attorney for the Eastern District of Arkansas filed a libel against the above-named product at Jonesboro, Ark., alleging that it had been shipped by Rozelle, Inc., from St. Louis, Mo., on or about October 8, 1940; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that its strength differed from that which it was represented to possess, namely, "Isopropyl Alcohol 25 Percent." It was alleged to be misbranded in that the statement "Isopropyl Alcohol Compound" was misleading for the reason that isopropyl alcohol rubbing compounds sold on the market contain a much higher proportion of isopropyl alcohol.

On June 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

### DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS\*

**574. Misbranding of New Food. U. S. v. Parke D. Brollier (Parke-Lee Food Co.). Plea of nolo contendere. Judgment of guilty. Fine, \$100 and costs. (F. D. C. No. 2912. Sample No. 15001-E.)**

The labeling of this product bore false and misleading representations regarding its constituents and its efficacy in the conditions indicated hereinafter.

On April 21, 1941, the United States attorney for the Northern District of Ohio filed an information against Parke D. Brollier, trading as Parke-Lee Food Co., Lorain, Ohio, alleging shipment on or about February 8, 1940, from the State of Ohio into the State of Iowa of a quantity of New Food which was misbranded.

Analysis showed that the product consisted of ground and roasted flaxseed.

It was alleged to be misbranded in that the statements, "New Food \* \* \* The Original Natural \* \* \* Food, \* \* \* Newfood is, as the trade name implies, an entirely new type of food. \* \* \* The nutritional value of this all-vegetable auxiliary food with its natural \* \* \* minerals, fats, proteins, gives \* \* \* extra nourishment and strength. This food contains an all-vegetable mucin (mucilage) \* \* \* Newfood is an excellent auxiliary food," appearing in the labeling, were false and misleading in that they represented that the article was a new food; that it possessed such nutritional value that it would supply important amounts of minerals, fats and proteins and thus give extra

\* See also Nos. 541, 542, 544-553, 555-559, 567, 568, 570.

nourishment and strength, and would furnish an appreciable amount of mucin (mucilage); whereas it would not be of value for such purposes.

It was alleged to be misbranded further in that the statements "Modern articles of food in our everyday diet may be responsible for many distressing symptoms. Methods of preparation may have destroyed much of the vital constituents, and synthetic compounds that are minus essential elements being substituted for natural products, may also be responsible for dietary deficiencies. We live principally on sugar and starches, neither of which are greatly destroyed by the process of cooking," and "This food will be a pleasant and effective addition to the diet of any person of any age," appearing in the circular, were false and misleading since they represented that it would supply vital constituents which are lacking in modern foods or might have been destroyed by modern methods of preparation, and which would be an effective addition to the diet; whereas it would not be of value for such purposes.

It was alleged to be misbranded further in that the statements "(Vitamin 'F') \* \* \* food consisting essentially of a natural blend of the seed coat and embryo of the seeds of *linum usitatissimum* (Flax) U. S. P.," borne on the label, and "Food \* \* \* with \* \* \* (Vitamin 'F'), \* \* \* Eminent food authorities are agreed that there exists a certain fatty acid deficiency, principally a deficiency of Linolic, Insolinic and Linolinic or Unsaturated Fatty Acids (Vitamin 'F'), \* \* \* Scientifically processed and prepared from a natural blend of the seed coat and embryo of a selected variety of seeds of *linum usitatissimum* (flax) U. S. P. \* \* \* The Linolic, Insolinic and Linolinic, Unsaturated Fatty Acids (Vitamin 'F')," appearing in the circular, were misleading in that the statement "a natural blend of the seed coat and embryo of a selected variety of seeds of *linum usitatissimum* (flax)," was a misleading description of ground and roasted flaxseed, and authorities are not agreed that the term "Vitamin F" is a proper name to be applied to the unsaturated fatty acids, nor are they agreed that there are fatty acid deficiencies in the ordinary human diet.

It was alleged to be misbranded further in that certain statements in the labeling were false and misleading in that they represented that the article would be efficacious in the treatment of symptoms of diabetes, stomach and intestinal ulcers, high blood pressure and indigestion; that it would be beneficial to the diabetic and would aid diabetics to reduce their sugar and would assist in keeping diabetics sugar free, and that it would give diabetics extra nourishment and strength; that it would be efficacious in the treatment of those who are suffering with stomach and intestinal ulcers; that it would be efficacious in the treatment of high blood pressure; that it would neutralize excess acid and give relief for acid indigestion; and that it would be efficacious to correct dietary deficiencies, whereas it would not be efficacious for such purposes.

It was alleged to be misbranded further in that its label did not bear the common or usual name of the food, namely, flaxseed or linseed, prominently placed thereon with such conspicuousness, as compared with other words, statements, designs or devices in the labeling, and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

The article was also alleged to be misbranded under the provisions of the law applicable to foods, as reported in F. N. J. No. 2820.

On May 23, 1941, the defendant having entered a plea of *nolo contendere*, he was adjudged guilty and fined \$100.

**575. Misbranding of Robinson Spring Water. U. S. v. Ralph V. Bloomhuff and Charles F. Bloomhuff. Pleas of guilty; fines of \$150 each. (F. D. C. No. 929. Sample Nos. 54577-D, 66050-D.)**

On May 13, 1940, the United States attorney for the Southern District of Mississippi filed an information against Ralph V. Bloomhuff and Charles F. Bloomhuff, Jackson, Miss., alleging shipment in interstate commerce on or about August 2 and July 26, 1939, from the State of Mississippi into the States of Michigan and Florida of quantities of Robinson Spring Water which was misbranded. It was labeled in part: "A Natural Diuretic Eliminant Water."

Analysis showed that the article was a slightly mineralized water similar in composition to Ohio River water.

The article was alleged to be misbranded in that the statement "used in treating diabetes, kidney and bladder trouble," borne on the label, was false and misleading since it would not be efficacious for such purposes.

On November 5, 1941, pleas of guilty were entered and the court imposed fines of \$150 upon each defendant.