

but it did not contain riboflavin or nicotinic acid, two substances whose absence from the diet may be the cause of vitamin deficiency diseases.

On February 25, 1942, the United States attorney for the District of Maryland filed a libel against 72 dozen cartons of Hi-V Vitamins at Baltimore, Md., alleging that the article had been shipped on or about January 19, 1942, by the Hi-V Vitamin Corporation from New York, N. Y.; and charging that it was misbranded. It was labeled in part: "6250 U. S. P. Units Vitamin A (from fish liver oils) 350 Int. Units Vitamin B<sub>1</sub> (Thiamin chloride) 300 U. S. P. Units Vitamin C (Ascorbic acid) 625 U. S. P. Units Vitamin D (Irradiated Ergosterol)."

The article was alleged to be misbranded in that statements in an accompanying circular entitled "What You should know about Vitamins," representing, suggesting, and creating in the mind of the reader the impression that health could be assured by its consumption; that the average individual requires vitamin supplements of the type that it supplied in order to obtain maximum health; that the average individual is likely to be suffering from lack of vitality, lack of energy, poor appetite, and impaired digestion because of inadequate vitamin intake from his food; that its consumption as directed, in the majority of cases, would prevent or correct the disease conditions resulting from inadequate vitamin intake; and that it contained all the vitamins essential in normal nutrition, were false and misleading since it would not fulfill the promises implied and it did not contain riboflavin or nicotinic acid, two vitamins essential in normal nutrition.

It also was alleged to be misbranded under the provisions of the law applicable to foods, as reported in F. N. J. No. 3644.

On March 26, 1942, the Hi-V Vitamin Corporation having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled. On the same date the product was relabeled by removal from the carton of the circular entitled "What You should know about Vitamins."

**692. Misbranding of Tu-Way Massagers. U. S. v. 15 Tu-Way Massagers. Default decree of condemnation and destruction. (F. D. C. No. 6268. Sample No. 66325-E.)**

This massaging device consisted of a series of rubber-covered disks, attached to a handle, which were to be rolled over portions of the body. It would not be efficacious to reduce weight or to stimulate the activity of the liver, as claimed in the labeling.

On December 2, 1941, the United States attorney for the Northern District of Illinois filed a libel against 15 Tu-Way Massagers at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 21, 1941, by the Edw. W. Arnold Co. from Logansport, Ind.; and charging that it was misbranded.

The article was alleged to be misbranded in that statements appearing in the accompanying circular which represented that it was founded on an exact scientific principle and would positively reduce the fat spots and beautify the body and figure; that it would bring about a gradual fat reduction and cause flabby fat to disappear; would break down the fat in a natural and healthful way; would break down the fatty deposits so that they would be oxidized (burned up) within the body, with the result that the residue would be carried away by the blood stream and eliminated through the organs of elimination, leaving the flesh more firm and solid; that it would be wonderfully soothing and strengthening to tired, aching neck, and shoulders and would stimulate the circulation and relieve congested or tight feeling often felt between the shoulders; that it would be efficacious in correcting fleshy, corpulent, and pendulous abdomens; and would stimulate activity of the liver; were false and misleading since it would not be efficacious for such purposes.

On January 21, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**693. Misbranding of Ultrasol. U. S. v. 2 Kits and 6 Kits of Ultrasol. Default decree of condemnation and destruction. (F. D. C. No. 6062. Sample No. 74710-E.)**

The labeling of this product bore false and misleading representations regarding its efficacy to promote hair growth and to prevent hair loss and premature graying.

On or about October 25, 1941, the United States attorney for the District of New Jersey filed a libel against 8 kits of Ultrasol at East Orange, N. J., alleging that the article had been shipped in interstate commerce on or about September

30, 1941, by Post Institute Sales Corporation from Newburgh, N. Y.; and charging that it was misbranded.

Examination showed that the kits contained, among other items, a bottle of Ultrasol Fluid, cartons of Ultrasol Hair Bath, and a leaflet entitled "How to apply the Ultrasol Standard Treatment." Analysis of the Ultrasol Fluid showed that it consisted essentially of light mineral oil, oxyquinoline (0.12 gram per 100 cubic centimeters), organic substances including cholesterol and perfume. Analysis of the Ultrasol Hair Bath showed that it consisted essentially of a wetting agent, such as sodium lauryl sulfate, a small proportion of cholesterol, and other organic material.

The article was alleged to be misbranded in that statements on the kit label, the bottle label of the Ultrasol Fluid, upon the carton label of the Hair Bath, in the aforesaid leaflet, and in a booklet entitled "The Cultivation of Luxuriant Hair," which had been incorporated into the leaflet by the legend "For exposition of theory see our booklet 'The Cultivation of Luxuriant Hair,'" which represented and suggested that it would promote luxurious hair and scalp hygiene; that it would remove dandruff and neo-keratin, and help check excessive hair loss and combat premature graying; that it would bring about a condition under which the natural hair-growing process would be unimpeded and natural hair growth would become possible; that it would clear away the neo-keratin, enabling the dormant hair within the scalp to become free to resume normal growth and the fuzz to develop into full-size hair; that it would remove obstruction to the development of fuzz or thin short hair; would stop abnormal hair loss; free the scalp from dandruff; make dull, dry, faded hair become brilliant; that new hair would be produced on gray heads, which frequently would be of the original shade, thus indicating that it would prevent graying; would revive limp, dull, scanty "impossible" hair without strong rinses, scalp manipulation, or tiring massage; would strengthen the hair for lasting, artistic permanent waving; would normalize dry or oily scalp; would give dyed hair an even, "refined" luster; and would keep the scalp clean and free from dandruff, were false and misleading since it would not be efficacious for such purposes.

On January 29, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**694. Misbranding of Beacon's Stokade, Beacon's Cam-Pho-Spray, Beacon's Poultry Liquid, Beacon's Chexal, Beacon's Fowl-Ade, and Beacon's Swinade. U. S. v. 12 Packages of Beacon's Stokade (and 5 other seizures of Beacon's veterinary preparations). Default decrees of condemnation and destruction.** (F. D. C. Nos. 6118 to 6123, incl. Sample Nos. 58221-E, 58222-E, 58223-E, 58656-E, 58657-E, 58658-E.)

On November 4, 1941, the United States attorney for the District of Minnesota filed libels against 12 packages of Beacon's Stokade, 24 bottles of Beacon's Cam-Pho-Spray, 16 bottles of Beacon's Poultry Liquid, 32 cans of Beacon's Chexal, 30 cans of Beacon's Fowl-Ade, and 43 cans of Beacon's Swinade at St. Cloud, Minn., alleging that the articles had been shipped in interstate commerce on or about April 21 and 28, 1941, by the Beacon Laboratories from Fond du Lac, Wis.; and charging that they were misbranded.

Analysis of Beacon's Stokade showed that it consisted essentially of plant materials including nux vomica, gentian, pokeroor, quassia bark, tamarack bark, caraway seed, ginger and fenugreek, iron oxide, ferric citrate, calcium lactate, and charcoal. It was alleged to be misbranded in that the statements in the labeling which represented that it was a stimulant and would assist in the digestion and assimilation of feed by exciting the flow of digestive juices, that it was effective as a general tonic, would be of value at freshening time and that another drug, namely, Chexal, would be an efficacious treatment for scours in livestock, were false and misleading since the articles when used as directed would not be efficacious for such purposes.

Analysis of the Cam-Pho-Spray showed that it consisted essentially of volatile oils including camphor and eucalyptus oil, soap, creosote, and pine oil. It was alleged to be misbranded in that statements in the labeling which represented that it was an antiseptic when used as an inhalant were false and misleading since when used as directed, it was not an antiseptic.

Analysis of the Poultry Liquid showed that it consisted essentially of potassium salts including dichromate, chlorate, and nitrate, Epsom salt, and sugar dissolved in water. It was alleged to be misbranded in that statements in the labeling which represented that it was an intestinal antiseptic for all fowl were false and misleading since when used as directed in the labeling, it would not be efficacious for such purposes.