

CHARGE: 501(c)—while held for sale, the quality of the article fell below that which it purported to possess; and 502(a)—the label statement "To Be Used As A Preventive of Disease" was false and misleading as applied to a product which contained holes.

DISPOSITION: 9-23-60. Default—destruction.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS*

6431. Ulcertrol. (F.D.C. No. 42661. S. No. 47-135 P.)

QUANTITY: 42 12-oz. ctnd. btls. at White Pigeon, Mich., in possession of Ulcertrol, Inc.

SHIPPED: Two ingredients of the article, grapefruit juice and lemon juice, had been shipped on unknown dates from New York, N.Y., Davenport, Fla., and Ontario, Calif.

LABEL IN PART: "Ulcertrol A Completely New Ulcer Treatment * * * Made * * * of the following: Potatoe water, orange, lemon & grapefruit juices * * * Ulcertrol, Inc., White Pigeon, Michigan."

ACCOMPANYING LABELING: Leaflet enclosed in each carton entitled "*Ulcertrol*."

RESULTS OF INVESTIGATION: The article was manufactured by the dealer at White Pigeon, Mich., using, among other ingredients, those ingredients which had been shipped in interstate commerce as described above.

LIBELED: 1-19-59, W. Dist. Mich.; amended 12-31-59.

CHARGE: 502(a)—while held for sale, the labeling of the article contained false and misleading representations that the article was an adequate and effective treatment for stomach ulcers.

The article was alleged also to be misbranded under the provisions of the law applicable to foods as reported in notices of judgment on foods.

DISPOSITION: Ulcertrol, Inc., appeared as claimant and filed an answer. Thereafter, the Government served written interrogatories upon the claimant and, on 9-16-59, the claimant made certain replies to the interrogatories. Subsequently, motions were filed by the Government and granted by the court to compel further and complete answers to the interrogatories. Such answers were furnished by the claimant. On 9-8-60, a motion for summary judgment was filed by the Government. Such motion was not opposed by the claimant and, on 2-7-61, the court entered a decree of condemnation and destruction.

6432. Vita-Lea tablets, Pro-Lecin tablets, and Pro-Vita tablets. (F.D.C. No. 44680. S. Nos. 18-743/4 R, 19-071 R.)

QUANTITY: 21 180-tablet btls. of Vita-Lea; 15 180-tablet btls. and 12 360-tablet btls. of Pro-Lecin; and 5 pkgs. of 2 360-tablet btls. each, of Pro-Vita, at Delta, Colo.

SHIPPED: 5-1-60 and 6-10-60, from Oakland, Calif., by Shaklee Products.

LABEL IN PART: (Btl.) "Shaklee * * * Food Supplement With Digestive Enzymes * * * Vita-Lea;" "Shaklee * * * Pro-Lecin;" and (pkg.) "Shaklee Twin Pack Pro-Vita * * * Protein Vitamins Lecithin Minerals * * * Distributed by Shaklee Products, Oakland, Calif."

*See also Nos. 6421, 6422, 6425, 6426, 6428-6430.