

30622. Adulteration and misbranding of Neu-Life. U. S. v. William Fulford Brown (Health Laboratories). Plea of guilty. Fine, \$180. (F. & D. No. 42537. Sample No. 50356-C.)

The labeling of this product bore false and fraudulent curative and therapeutic claims and false and misleading representations regarding its content of minerals and vitamins.

On October 3, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William Fulford Brown, trading as Health Laboratories, Sacramento, Calif., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about October 11, 1937, from the State of California into the State of Illinois of a quantity of Neu-Life that was adulterated and misbranded.

Analysis of a sample of the article showed that it consisted essentially of plant material containing calcium (1.0 percent), magnesium (0.7 percent), iron (0.02 percent), iodine (0.37 percent), sulfur (0.6 percent), phosphorus (0.3 percent), potassium (7.5 percent), and sodium (3.1 percent).

Adulteration was alleged in that the strength and purity of the article fell below the professed standard and quality under which it was sold, i. e., as containing vitamin D, since it did not contain vitamin D.

The article was alleged to be misbranded in that the statements on the label, "Contains No Drugs An Organic Vegetable Mineral Product Containing Iron, Calcium, Sodium, Potassium, Phosphorus, Magnesium, Sulphur, Iron in Organic Combination and Other Valuable Minerals and Vitamins A, B, C, and D and E," were false and misleading since they represented that it contained substances and ingredients in which the aforesaid mineral elements and vitamins were present in combination in sufficient quantities and proportions to produce a medicinal effect upon the physiological functions of the human body, and that the article contained no drugs; whereas it did not contain any demonstrable amount of vitamin D, it did not contain the substances or ingredients in the quantities and proportions indicated, and it did contain compounds of iodine, a drug.

The article was also alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing in a circular accompanying the article, falsely and fraudulently represented that it was effective to imbue the user with new life, to build up a new health and happiness, and to overcome glandular weakness and nerve prostration.

On March 13, 1939, a plea of guilty having been entered, the court imposed a fine of \$180.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30623. Adulteration and misbranding of Digitos Tablets and tincture of digitalis. U. S. v. Three Bottles of Digitos Tablets (and three similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 45061, 45073, 45074, 45255. Sample Nos. 41992-D, 42276-D to 42280-D, inclusive, 42298-D, 42300-D.)

Each of these products had a potency materially lower than that of the professed standard and quality under which it was sold.

On March 20 and 23 and May 1, 1939, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court four libels praying seizure and condemnation of 3 bottles of Digitos Tablets at Atlantic City, N. J., and 4 bottles of Digitos Tablets and 25 bottles of tincture of digitalis at Trenton, N. J.; alleging that the articles had been shipped in interstate commerce within the period from on or about June 24, 1938, to on or about March 17, 1939, from Philadelphia, Pa., by Sharp & Dohme, Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The Digitos Tablets were alleged to be adulterated in that their strength fell below the professed standard and quality under which they were sold, namely, (bottle) "(Tablets Digitalis Leaves * * *) 1½ grains," (carton) "Each tablet represents the activity of 15 minims (1 cc.) tincture of digitalis U. S. P.," and (circular) "Each tablet Digitos represents the activity of 15 minims (1 cc.) tincture digitalis U. S. P. XI," in that said statements represented that the article had a potency of 1½ grains of digitalis leaves per tablet and 15 minims (1 cc.) of tincture of digitalis per tablet; whereas one shipment of the article had a potency of not more than 0.9 grain of digitalis leaves per tablet (equivalent to not more than 9.0 minims (0.6 cc.) of tincture of