

The article was alleged to be misbranded in that the following statements and designs appearing in the labeling were false and misleading, since it contained phenolphthalein, a synthetic coal-tar laxative which might have injured or harmed the consumer, particularly if taken in large or indiscriminate doses: (Bottle and carton) "[Design of oranges, orange leaves, and orange flowers] Orange Ex-O"; (circular) "What Orange Ex-O is Orange Ex-O is a scientific preparation made of extracts from a choice selection of the purest vegetable and animal constituents * * * Orange Ex-O does not contain one single constituent that could possibly injure the most sensitive organ of the body, nor in any way harm anyone, even though large doses should be taken by mistake. [Similar statements in foreign languages]."

Misbranding was alleged for the further reason that the following statements regarding its curative or therapeutic effects were false and fraudulent: (Bottle and carton) "Digestant and Tonic * * * It pays to keep well For the Stomach, Blood, Liver, Nerves"; (circular) "'It pays to Keep well' For Your Own Good * * * Orange Ex-O Preserver of Health and Vitality * * * which tend to preserve good health and vitality when already present or to restore these greatest of all blessings when sluggish or absent by * * * restoring the normal functions of the stomach, liver and intestines. * * * What Orange Ex-O Does Orange Ex-O tends to build up the normal functions of the body rather than to replace them and thus promote normal activity and health. Orange Ex-O exerts a beneficial influence upon the entire digestive tract. It has both sedative and tonic properties. It soothes the irritated stomach and exerts a tonic or stimulating effect upon the motor and secretory function of the stomach and intestines; thus breaking down the food and preparing it for rapid assimilation into the body in the form of healthy blood, flesh and bone. Why a Preserver Orange Ex-O * * * does not contain ingredients that stimulate the heart and lungs, and it is especially indicated where these effects are desired. Orange Ex-O by its stimulation of the entire digestive tract has a tendency to overcome constipation * * * Special Note Orange Ex-O has especial properties which exert a marked beneficial effect upon the female reproductive organs; it is especially indicated in all cases where there is marked distress and loss of vitality. (This preparation will not help diabetes.) Orange Ex-O. [Similar statements made in foreign languages]."

On May 28, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

22963. Misbranding of Kal. U. S. v. 2 Cases and 9 Packages of Kal. Default decree of condemnation, forfeiture, and destruction. (F. & D. no 32487. Sample no. 65350-A.)

This case involved a drug preparation, the labeling of which bore unwarranted curative and therapeutic claims.

On April 6, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2 cases and 9 packages of Kal at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about March 6, 1934, by Makers of Kal, from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of powdered rice, cocoa, and dicalcium phosphate.

The article was alleged to be misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the labeling, were false and fraudulent: (Carton label) "The American people are undernourished in the essential mineral elements * * * the diet of millions is insufficient in minerals necessary to the proper functioning and well-being of the human body. * * * A day's ration, for an adult, is two or three heaping teaspoonfuls of Kal * * * Children should have at least three heaping teaspoonfuls of Kal daily. * * * a * * * protective food"; (circular headed "Kal") "'We Are What We Eat,' is the dictate of Science. A diet which contains all the food elements and factors necessary to life, the fats, the starches, the proteins, vitamins, the calcium and other mineral elements in their right proportion is a balanced diet. The wrong, the unbalanced diet, when continued day after day, year after year, will wear down the healthiest body,

will wreck the strongest constitution. If the diet is wrong over the years, the harmony of life's processes will be destroyed, the vital organs will break down and cease to function and when that happens only a correction of the error committed can restore the ailing body to health. * * * Fruits, vegetables, whole wheat, whole cereals and milk possess the food minerals, the calcium and phosphorus salts and the vitamins. The Tragedy of the American diet is that out wheat is turned into white, starchy flour and the minerals that the body hungers for are thrown away. Many of our cereals are 'refined' in the selfsame way. Our sugar, an important part of the daily food, is devitalized in manufacture; the precious calcium and phosphorus and other minerals are discarded. Our foods are manufactured, pasteurized, processed, altered and adulterated removing and destroying the roughage and the bulk and almost all of the minerals. Thus people may become starved for minerals. In the language of the doctor, such people suffer from Mineral Deficiency diseases. These are diseases which we acquire when our food does not supply enough minerals for our body needs, whether it be calcium, phosphorus, iron or any of the other important dietary factors. We need proteins in the diet, that everybody knows, for without proteins one would starve. We must have starches in our body to develop the energy necessary to carry on; without fats the body cannot function. These facts are known to people generally, but it is important that the mind of the public is directed to the important role of the other elements in food—the mineral elements, sometimes called the protective factors. These are vitally necessary to the proper functioning and well-being of the human body. * * * Kal * * * essential to the body * * * an accessory protective food * * * abundantly supplies calcium we need"; (circular headed "We Cannot Live Without Minerals") "The American public is fast learning the importance of food minerals. We have learned that iron is necessary to enrich the blood; that iodine is needed to prevent and cure goitre; that a few tiny grains of copper are needed in the treatment of pernicious anemia. Mothers are learning that unless baby gets enough Calcium it will grow bow-legged, chicken-breasted, sickly; unless they themselves get enough calcium, they lose their hair, their teeth become run down, unhealthy. The kind of iron which builds good blood is not the kind found in a horse-shoe; nor is the calcium, which cures rickets like that in chalk; the phosphorus in a match-end is different from that used to cure nervous diseases. The curative minerals are all Live, Organic substances. No one knows the explanation for the strange difference between live, organic minerals and the inorganic, dead minerals. It is locked in the bosom of Nature—the secret of life itself; but what we do know beyond question is that Food Minerals do work miracles! Also we know that a diet which does not have enough vital organic minerals will finally cause what the doctors call 'mineral deficiency diseases,' some of which are: rickets, anemia, goitre, chlorosis, female troubles and certain types of nervous breakdown, asthma, tuberculosis, migraine headache, eczema, epilepsy, insanity, high blood pressure, gland diseases, pyorrhea, decayed teeth, stomach ulcers and leg ulcers. Strangely, our civilization alone is responsible for inflicting upon itself a diet that is woefully lacking in mineral substances. We are all of us eating foodstuffs from which these vital minerals have been taken out. Our bread, our breakfast foods are tasty but the miller has torn away all the vital minerals. This is done to make flours look right, and keep indefinitely; but white flour and cereals are without value as far as the important mineral elements are concerned. Cooking also dissipates the minerals; they are thrown away in the pot liquors. Most of our foods are processed, preserved and changed in manufacture, the minerals being thrown away, dissipated, or destroyed. As a result millions unknowingly, are suffering from 'mineral deficiency diseases.' Science tells us that the minerals most lacking in American diet are calcium and phosphorus, without which the making of tissue, bones and blood is impossible. Those foods that contain the most minerals are the fruits and vegetables and milk. We depend almost exclusively upon these for our minerals. But unfortunately 90% of the average American diet consists of bread, potato, pastries and meat, meals that are unbalanced, heavy in starch and protein. A rational, ideal diet would call for at least 60% of fruits and vegetables, 40% starches, proteins and fats; but, unfortunately, very few people have learned to eat in this sensible way. The very soil upon which our food is grown has usually been robbed of minerals through exhaustion, lack of fertilization or improper rotation of crops. Thirdly, almost all of our basic foods are deprived of their essential live mineral content by preserving, refrigerating and refining. Makers

of Kal are solving the problem of supplying an accessory food so rich in concentrated minerals that it balances and makes up the deficiencies of the average diet. The user of Kal cannot suffer from mineral deficiency no matter how he eats because two heaping teaspoons of Kal per day supplies sufficient mineral nourishment * * * Kal is really the essence of mineral food elements. * * * ready to be digested and made into bone, blood and tissue. That is why Kal is truly the restorative food; Kal gives back to the diet the minerals which man's tampering has taken from the daily food. Kal makes the diet complete! Kal is a true tonic; it feeds the minute millions of body cells because it 'tones.' In this, Kal is entirely different from the 'tonics' generally known and sold for tonic effect. * * * They do not 'tone' or build. The inevitable reaction comes and you feel bad—low and depressed, the 'kick' one gets is paid for by loss in vitality and health. Kal promotes digestion through breaking down undigested starches. It contains a digesting factor which does not work with the speed of a drug, but in a short time its effects are manifest and certain. * * * Restorative—Two teaspoonfuls of Kal per day will restore the minerals lost through cooking, preserving, milling and careless unbalanced meals. Tonic—Two teaspoonfuls of Kal per day serves as a true Tonic for both adults and children. It will supply more than enough of minerals. The blood is enriched, the issues exhilarated and the processes of resistance against disease in the body are strengthened. Calcium Deficiency Diseases—As previously mentioned, certain diseases are originally the result of calcium lack. These are rickets, anemia, goitre, tooth decay and chlorosis. The use of digestible, usable calcium acts as a specific remedy in these cases. In those types of female troubles, nervous breakdown, asthma, tuberculosis, migraine headache, eczema, epilepsy, insanity, high blood pressure, gland diseases, pyorrhea, stomach ulcers, leg ulcers, due to a lack of calcium 4 teaspoonfuls of Kal supplies the necessary elements and paves the way to recovery. Menstrual Troubles—A large percentage of female troubles such as cramps flooding irregular painful and scanty menstrual periods are often due to a lack of calcium and phosphorus in the body. Woman menstruates because she does not become pregnant. The menstrual flow is composed of all the elements of the potential child, minerals which would have been the flesh, blood and bones of the baby, therefore, Nature expels large quantities of mineral elements, especially calcium and phosphorus which must be replaced. If a woman lacks calcium to begin with, her periods are hesitant, irregular, painful and abnormal. Three to four teaspoonfuls of Kal per day will supply enough of these minerals to overcome any deficiency and serve to overcome the abnormal periods. Teeth, Hair and Nails—Calcium is necessary for every tissue in the body, particularly for the so-called supporting and protecting tissues like bone, teeth, hair and finger nails. Very often cases of dry, sparse and unsightly hair indicate the absence of calcium and phosphorus in the body. The loss of hair following measles, scarlet fever and other infectious diseases is due to a depreciation of minerals in the body; brittle, lustreless nails, too. Pregnancy—The pregnant woman builds from her own blood and body tissues for the new life within her. Need for the minerals, especially calcium, is very great. Four teaspoonfuls of Kal per day is suggested to supply sufficient mineral nourishment for both mother and child. Due to lack of minerals, loss of teeth, loss of hair and severe morning sickness very often accompanies pregnancy. The use of Kal as a protection against the loss of teeth and the deterioration of hair is followed by most excellent results. Nursing—The mother's need during lactation, the nursing time, is as great and often greater than during pregnancy. During the nursing period the mother-milk is formed from body substances, particularly minerals. The troubles which mothers and babies experience due to poor milk can largely be avoided * * * At least four teaspoonfuls of Kal should be taken to supply the necessary minerals. Baby Feeding—Baby foods and milk modifiers now universally used supply starches and proteins to the babies' diet. They are not designed to give minerals. Kal-Water will supply minerals. Kal-Water is prepared by placing one heaping teaspoonful of Kal in a cup of water. This mixture should be brought to the boiling point and let simmer for three to five minutes. It should then be strained through cheese cloth. Two teaspoonfuls of the Kal-water are necessary in 24 hours. This can be added to the milk or given by mouth. After weaning Kal may be given to the baby as it is to adults. Two heaping teaspoonfuls per day will suffice until the permanent teeth begin to appear. At this time, Kal should be increased to three teaspoonfuls per day. Child Feeding—From the time the permanent teeth begin to appear, age 6-7,

until the bony growth of the child has been completed, age 14-15, calcium and phosphorus are required more than at any other time in life. This is particularly true at the time the child goes into puberty, when the girl is becoming a woman and the boy becoming a man. During the period of adolescence and puberty four teaspoonfuls of Kal per day is desirable"; (circular, headed "Food Cures or Kills") "Food Cures or Kills * * * 'We Are What We Eat,' is the dictate of Science. A diet which contains all the food elements necessary to life,—the fats, the starches, the proteins, the calcium and other mineral elements in their right proportion, is a balanced diet. On such a diet man thrives and is well-nourished, achieves health and builds up a resistance against disease. Such a person will rarely be sick; he cannot become constipated; his digestion is excellent; he will never be a candidate for diabetes, kidney disease, arterio sclerosis (hardening of the arteries) or any of the degenerative diseases that kill millions in the very prime of life. The wrong, the unbalanced diet, when continued day after day, year after year, will wear down the healthiest body, will wreck the strongest constitution. If your diet is wrong over the years, then disease is inevitable; the harmony of life's processes will be destroyed; the vital organs will break down and cease to function—and when that happens—no physician, no surgeon, no matter how skillful, can restore the ailing body to health. * * * Fruits, vegetables, whole wheat, whole cereals and milk possess the food minerals, the calcium and phosphorus salts and the vitamins. The Tragedy of the American diet is that our wheat is turned into white, starchy flour; and the minerals that the body hungers for are thrown away. All our cereals are 'refined' in the self-same way. Our sugar, an important part of the daily food, is devitalized in manufacture; the precious calcium and phosphorus and other minerals discarded. Our foods are manufactured, pasteurized, processed, altered and adulterated, removing and destroying the roughage and the bulk and almost all of the minerals. We have become a mineral-starved people. In the language of the doctor, America is suffering from Mineral Deficiency Diseases, from Calcium-phosphorus Starvation. These are diseases which we acquire because we cannot get out of our food enough minerals for our body needs, especially calcium, phosphorus, iron. Tooth decay, acidosis, profound nervous irregularities, menstrual disorders, rickets, anemia, pyorrhea, glandular disorder, abnormal blood pressures, asthma, hay fever, migraine headaches, tuberculosis,—these are usually mineral deficiency diseases brought about entirely or in part because of the absence of calcium in the diet. Such diseases cannot be treated through medicine or surgery; only foods rich in natural, organic calcium and mineral salts can solve the problem of health restoration, through gradually re-building and putting back into the body the elements that the body has been deprived of. The Makers of Kal have solved the problem of supplying the lack of these vital elements through the creation of Kal, * * * so rich in minerals, that it balances and makes up for diet deficiencies. * * * prepared from standard foods * * * 'The present day diet of Americans is severely criticized, by those who know it, as one which is deficient in mineral substances. * * * Because Kal is tremendously rich in the minerals which combat acidity, it has proven effective in overcoming auto-toxemia, the end results of constipation and acidity from any cause * * * Because women lack calcium, they are tortured by cramps, flooding and other symptoms at their menstrual periods. Kal has an immediate and direct effect in the relieving and restoring of the calcium balance."

On May 15, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

22964. Misbranding of Joyz Maté. U. S. v. 42 Packages and 55 Packages of Joyz Maté. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32499. Sample nos. 67531-A, 67532-A.)

This case involved a product, the labels of which bore unwarranted therapeutic claims.

On April 4, 1934, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 42 small packages and 55 large packages of Joyz Maté at Newark, N. J., alleging that the article had been shipped in interstate commerce, on or about March 9 and March 16, 1934, by the