

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: Potato 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, the ingredients which had been shipped in interstate commerce as described above.

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

CHARGE: 403(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 drugs as reported in notices of judgment on drugs and devices, No. 6431.

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.

27300. W & S Protein 90. (F.D.C. No. 44854. S. No. 20-470 R.)

QUANTITY: 9 cases, each containing 6 pkgs., each pkg. containing 1 30-capsule btl. and 1 360-tablet btl., at Warren, Mich.

SHIPPED: 4-13-60, from Riverside, Calif., by Ward & Stalnaker.

LABEL IN PART: (Pkg.) "W & S Protein 90 * * * Package contains 360 tablets W & S Protein 90 30 Capsules W & S Protein 90 Supplement * * * Each tablet contains: Protein (Natural Meat) 90% Moisture 3% Ash 7% Carbohydrates 0 Fat 0 Supplement Ingredients: Sodium Carboxy Methyl Cellulose 8 grains Phenylasitin (conc. Prune) 9.5 mg. Essential Amino Acids; Natural Amino Acids of meat proteins essential in the daily diet * * * W-S Sales Riverside, California."

ACCOMPANYING LABELING: Folders entitled "Secrets of Natural Health" and "Secrets of Weight Control."

RESULTS OF INVESTIGATION: Analysis of the article showed that it contained approximately 75 percent of the declared amount of protein.

LIBELED: 8-29-60, E. Dist. Mich.

CHARGE: 403(a)—when shipped, the label statement "Each tablet contains protein 90%" was false and misleading as applied to a product containing less than the declared amount of protein; the label statement "Phenylasitin (conc. Prune)" was false and misleading since phenylasitin is not concentrated prunes; the labeling contained representations that the article was a food supplement which were false and misleading since the article also contained capsules consisting of sodium carboxy-methyl-cellulose, a non-nutritive sub-

stance, and acetphenolisatin (phenylisatin), an irritant laxative, and its labeling failed to disclose the material fact that such capsules are not a food supplement; the labeling contained representations that the article would furnish significant quantities of protein to the ordinary diet, and that the average American diet supplies only half of the daily requirement of protein, which representations were false and misleading, since the article would not furnish significant amounts of protein to its consumer, and since the ordinary American diet contains ample amounts of protein for nutritional purposes; and the labeling contained false and misleading representations that the body, tissue, cell, organs, and blood are essentially protein; that the article contained no calories; that the protein content of wheat and corn grown in America is steadily declining even as the bushel yield per acre is increasing; that the protein content of most vegetables is becoming lower and lower and the declining protein content of foods has resulted in a protein deficiency in the American diet, including a reduction of the protein content of meat; and that protein is the food element which alone controls hunger; and 403 (i) (2)—the label of the article failed to bear the common or usual name of each ingredient, since "protein (natural meat)" and "meat proteins" are not the common or usual names of such ingredients.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices, No. 6425.

DISPOSITION: 10-7-60. Default—destruction.

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PRODUCTS

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Dayalets	27290	Hog ration	27268
-M	27290	Kelp-Ette tablets	27295
Decavitamin tablets	27291	Lecithin granules	27298
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