

DISPOSITION: October 16, 1951. The shipper having appeared as claimant and consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be denatured under the supervision of the Food and Drug Administration.

17797. Adulteration of salad dressing. U. S. v. 23 Cases * * *. (F. D. C. No. 31309. Sample No. 5057-L.)

LABEL FILED: June 29, 1951, District of Massachusetts.

ALLEGED SHIPMENT: On or about May 24, 1951, by the Spare-Way Food Products of New York, Inc., from Brooklyn, N. Y.

PRODUCT: 23 cases, each containing 4 1-gallon jars, of salad dressing at Boston, Mass.

LABEL, IN PART: (Jar) "Gold Crest Melomaise Salad Dressing."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of its fermentation.

DISPOSITION: July 24, 1951. Default decree of condemnation and destruction.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

17798. Misbranding of Elemin tablets and G & J Formula No. 701 [or 601] tablets. U. S. v. 10 Cases, etc. (F. D. C. No. 31219. Sample Nos. 18868-L, 18869-L.)

LABEL FILED: June 27, 1951, Northern District of Iowa.

ALLEGED SHIPMENT: On or about March 10, April 17 and 18, and May 3, 1951, by the G & J Distributors, from Berkeley, Calif.

PRODUCT: 10 cases, each containing 12 700-tablet bottles, and 2 cases, each containing 24 120-tablet bottles, of Elemin tablets, and 10 cases, each containing 12 350-tablet bottles, and 2 cases, each containing 24 120-tablet bottles, of G & J Formula No. 701 [or 601] tablets, at Fort Dodge, Iowa, together with certain accompanying printed matter.

The printed matter consisted of a number of copies of a booklet entitled "Sales Manual, Nutritional Products, Elemin Minerals, G & J Multiple Vitamins"; a book entitled "Health from the Ground Up" by the International Harvester Co.; a booklet entitled "Facts You Should Know," including Senate Document No. 264, 74th Congress, Second Session, entitled "Modern Miracle Men" by Rex Beach; a brochure entitled "Soil—A Foundation of Health" published by the International Harvester Co.; a book entitled "The National Malnutrition" by D. T. Quigley, M.D.; and leaflets entitled "Elemin Mineral Tablets," "It's Later Than You Think, Watch Your Diet, Mineralize—Vitaminize," "Composite analysis derived from the reports of the following laboratories," and "The Following is a Reprint of a Published Article for Informative and Educational Purposes Only."

LABEL, IN PART: (Bottles) "Elemin * * * Contains: Iodine and Iron as naturally present in dehydrated kelp, iron gluconate and a sedimentary mineral deposit, with excipients and color added to sugar coating. Manufactured for Morgan & Bush, Inc. * * * Bakersfield, Calif." and "G & J Formula No. 701 (or 601) Each 2 Tablets Will Supply: Vitamin A (Fish Liver Oils) 5,000 U. S. P. Units Vitamin D (Irradiated Ergosterol) 1,000 U. S. P. Units Vitamin B₁ (Thiamin Hcl and Yeast) 3.0 Mg. Vitamin B₂ (Riboflavin) 2.0 Mg.

Vitamin B₆ (Pyridoxine Hcl) 1.0 Mg. Vitamin B₁₂ 1.0 Mcg. Vitamin C (Ascorbic Acid) 50.0 Mg. Vitamin E (Mixed Tocopherol) 3.0 Mg. Niacin 20.0 Mg. Calcium Pantothenate 5.0 Mg. Concentrated Beef Liver Extract 65.0 Mg. * * * Mfd. for and Dist. by G & J Distributors * * * Berkeley 4, California."

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements in the printed matter accompanying the articles were false and misleading. The statements represented and suggested that the articles supplied a universal need; that clay, described as "sedimentary mineral deposit" and denominated "panaca," used as an ingredient in the article, "Elemin Tablets," contributed significantly to the diet of the user; that ordinary foods, because of soil depletion and processing, do not supply the need for vitamins and minerals so that supplementation of the usual diet is essential; that ninety-nine percent of the American people are deficient in minerals, resulting in disease, suffering, and shortening of life; that the symptoms, conditions, and diseases that beset the human body most commonly result from dietary deficiencies, and such symptoms, conditions, and diseases could be prevented and adequately treated by the use of Elemin tablets and G & J Formula No. 701 [or 601] tablets; that the articles would be effective in the prevention and treatment of all sorts of discomfort, soreness, pain and stiffness, all infections, infections of the upper respiratory tract, including colds, flu, and pneumonia, brain infections, chronic constitutional ailments, diseases of the adenoids, tonsils, digestive organs, lungs, blood vessels, skeleton, and gums, degenerative diseases, venereal diseases, nerve and brain diseases including insanity, stupidity in children, heart diseases including rheumatic heart disease, periodontal diseases, tooth decay, pyorrhea, arthritis, rheumatic fever, tuberculosis, pimples, constipation, neuroses, irritability, chronic gastritis, stomach and duodenal ulcers, stomach cancer, osteomalacia, nephritis, arteriosclerosis, skeletal weakness, and all ailments and afflictions to which people may become heir; and that consumption of the articles would eliminate 70 to 80 percent of the present-day diseases, bring to an end susceptibility to, and afford immunity from, infection, extend the average age to well over 100 years, and result in good health, happiness, and contentment. The articles were not capable of fulfilling the promises of benefit made for them; they were not effective in the prevention and treatment of the symptoms, diseases, and conditions stated and implied; and the impression conveyed by the statements was contrary to fact.

Further misbranding (Elemin tablets), Section 403 (a), the labeling of the tablets was misleading since it failed to reveal the material fact that no significant quantity of any nutritionally useful constituent was supplied by the clay ingredient; and, Section 403 (i) (2), the tablets were fabricated from two or more ingredients, and their label failed to bear the common or usual name of each ingredient since the declaration upon the label "A Sedimentary Mineral Deposit" is not the common or usual name of clay.

The articles were 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. 3593.

DISPOSITION: July 28, 1951. Default decree of condemnation and destruction.