

effects of gouty and rheumatic conditions; would be efficacious in the cure, mitigation, treatment, or prevention of rheumatism, articular acute rheumatism, arthritis, neuritis, sciatica, and neuralgia including facial, bronchial, anemic, diabetic, gouty, malarial, and syphilitic neuralgia; would prevent and give immediate relief from pain; would fortify the system against the recurrence of lumbago; would produce buoyant energy, pleasure in living and working, a keen appetite, and soundless sleep; and would strike at the cause of disease and thereby produce immediate benefit, were false and misleading since it would not be efficacious for such purposes.

On July 6, 1942, the defendant entered a plea of guilty and the court imposed a fine of \$50.

827. Misbranding of Malitrate F-1. U. S. v. Organic Laboratories, Inc. and W. Warren Walters. Pleas of guilty. Imposition of sentence suspended and defendants placed on probation for 1 year. (F. D. C. No. 7653. Sample No. 84838-E.)

On August 24, 1942, the United States attorney for the Southern District of California filed an information against Organic Laboratories, Inc., Los Angeles, Calif., and W. Warren Walters, alleging shipment on or about December 8, 1941, from the State of California into the State of New York of a quantity of Malitrate F-1 which was misbranded.

Analysis of a sample of the article showed that it was concentrated apple juice.

The article was alleged to be misbranded in that the statements in the labeling which represented and suggested that the article was efficacious in the cure, mitigation, treatment, and prevention of disease by reason of the alkalizing properties of its components; that it was efficacious in the cure, mitigation, treatment or prevention of gastro-intestinal disorders, hyperacidity, (acute indigestion) hyperchlorhydria, intestinal toxemia, diarrhea, constipation, and dysentery; that it was efficacious for use in convalescence from acute or chronic febrile diseases and was especially efficacious in the asthenias and wherever an alkalizing liquid diet was indicated; that it was efficacious in the cure, mitigation, treatment or prevention of post-operative nausea and of nausea due to pregnancy and seasickness, and of colds, influenza, pneumonia, stomach ulcers and obesity; that it was an efficient dietary regulator for undernourished children; that it would have an energizing effect on the tissues and would be efficacious in the cure and treatment of acute or chronic burns and of inflamed mucous membranes; that when administered as directed it was efficacious in the cure, mitigation, treatment, or prevention of mastoid cavities, open abdominal sinuses, and of various types of indolent ulcers; and would be efficacious in the cure, mitigation, treatment or prevention of ulcerated mouths, sore throats and Vincent's angina, and would in such cases, prove much more effective than the standard perborate treatment, were false and misleading, since the article would not be efficacious for such purposes.

On October 22, 1942, pleas of guilty having been entered on behalf of the defendants the court suspended imposition of sentence and placed them on probation for 1 year, the conditions of the probation being that they cooperate with the Food and Drug Administration and obey the instructions of the probation officer.

828. Misbranding of Bafaline Dental Cream and Bafaline Tablets. U. S. v. The Bafaline Laboratories, Inc. Plea of nolo contendere. Fine, \$30 on each of 4 counts. Payment suspended on all counts but the first. (F. D. C. No. 6450. Sample Nos. 36272-E, 36273-E, 51554-E, 51555-E.)

On May 13, 1942, the United States attorney for the District of New Hampshire filed an information against the Bafaline Laboratories, Inc., Manchester, N. H., alleging shipment on or about January 7 and July 18, 1941, from the State of New Hampshire into the State of Massachusetts of quantities of Bafaline Dental Cream and Bafaline Tablets which were misbranded.

Analyses of samples of the dental cream showed that it consisted essentially of calcium carbonate, magnesium compounds, soap, sodium borate, sodium benzoate, saccharin, and glycerin, flavored with oils of peppermint and spearmint. It was alleged to be misbranded in that statements in the labeling which represented that it would be efficacious to prevent the formation of tartar and would keep the gums healthy and in a hygienic condition were false and misleading since it would not be efficacious for such purposes.

Analysis of the Bafaline Tablets showed that they consisted essentially of acetylsalicylic acid and caffeine, with indications of the presence of gelsemium. One shipment of the tablets was alleged to be misbranded in that the statements in the labeling which represented and suggested that they would be

efficacious for the relief of all pain, for the relief of colds, and for the relief of discomfort resulting from migraine, earache, neuritis, and rheumatic pains; would act as a restorative on the nervous system after overindulgence; and would produce unexcelled results in quieting racked nerves and upset nervous stomach and all other symptoms that go with the "morning after," were false and misleading since the article would not be efficacious for such purposes. The tablets in the remaining shipment were alleged to be misbranded in that the statements in the labeling that they would stop all pain, would be efficacious in the cure, mitigation, treatment, prevention, or relief of migraine, earache, neuritis, and rheumatic pains, and would be efficacious in the treatment or prevention of prolonged and severe pain and colds, were false and misleading since they would not be efficacious for such purposes. Both lots of tablets were alleged to be misbranded further in that they were fabricated from two or more ingredients and their labeling did not bear the common or usual name of each active ingredient.

On July 17, 1942, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$30 on each of the 4 counts but suspended payment on each count but the first, on condition that the defendant not be convicted of subsequent violation of the law.

829. Misbranding of Alberty Food, Instant Alberty Food, Alberty's Vegetable Compound, Alberty's Ca-Mo Pellets, Alberty's Phosphate Pellets, Alberty's Lebara Pellets, Alberty's Laxative Blend, Cheno Herb Tea, Cheno Combination Tablets, and Cheno Preparation of Phytolacca Berry Juice. U. S. v. 12 Packages of Alberty's Food (assorted sizes and various packages of similar products). Tried to the court without a jury. Judgment for the Government. Decree of condemnation and destruction. (F. D. C. No. 3707. Sample Nos. 99902-E to 99908-E incl., 99910-E to 99912-E incl.)

On January 27, 1941, the United States attorney for the District of Columbia filed a libel against 12 packages of Alberty's Food, 18 packages of Instant Alberty Food, 3 packages of Alberty's Vegetable Compound Capsules, 5 packages of Alberty's Ca-Mo Pellets, 10 packages of Alberty's Phosphate Pellets, 8 packages of Alberty's Lebara Pellets, 5 packages of Alberty's Laxative Blend, 30 packages of Cheno Herb Tea, 40 packages of Cheno Combination Tablets, and 5 packages of Cheno Preparation of Phytolacca Berry Juice, at Washington, D. C., alleging that the articles were being offered for sale in the District of Columbia at Vita Health Food Company, Washington, D. C.; and charging that they were misbranded.

Analysis of the Alberty Food showed that it consisted essentially of wheat flour with added calcium phosphate, the total calcium phosphate equaling 6.75 percent.

Analysis of the Instant Alberty Food showed that it consisted mainly of dried, partially skimmed milk, with a little ground cereal and approximately 6 percent added calcium phosphate.

Both products were alleged to be misbranded in that representations in the labeling that they were adequate and appropriate treatments for indigestion, scurvy, rickets, eczema, diseases of malnutrition, nervousness, diarrhea, nausea, stomach irritation and other complications, mental deficiency, stunted physical development, decayed teeth, acidity, common aches, dysfunction of the liver, spleen and pancreas, mucous colitis, "run-down" conditions, depleted nervous system, acidosis, toxic conditions arising from inactive liver, excess bronchial secretions, jaundice, gallstones, gastric hyperacidity, ulcerative conditions, stomach distress, malnutrition, malassimilation, irritated inflamed stomach and anemia; that they would be beneficial to the nerves, the tissues and the vital organs, i. e., liver, heart, and spleen; would relieve severe pain of the stomach and other symptoms of upset digestive tract, aid in the healing of broken legs, increase the red blood cells; would provide strength and health; would cause children to be larger and heavier than children of the same age and not as susceptible to the usual children's diseases; would prevent undernourishment, tooth decay, bodily exhaustion, sagging shoulders, paleness, listless expression in children; were adequate and appropriate treatments of neurotic, backward children by improving mentality, disposition and health; would be effective treatments for infant diarrhea, sore buttocks, irritated stomach and intestines, digestive disturbances, pyloric stenosis and marasmus; would prevent calcium deficiency in pregnant women and their unborn offspring, and prevent after-childbirth run-down condition; would promote the formation of hemoglobin, bone tissue; that they possessed healing, health, youth and energy-giving properties; would cause increase in weight, vitality and strength, clear the skin, and facili-