

The article was alleged to be misbranded (1) in that the statements, designs, and devices appearing in its labeling which represented and suggested that it was effective in the treatment of rheumatism, constipation, weak kidneys, ailments of the colon leading to serious complications, piles, colitis, and appendicitis; that it was effective in keeping the colon clean and healthy and in eliminating accumulated poisonous matter therefrom; and that it was a solution of life-giving minerals, were false and misleading since it was not so effective and was not a solution of life-giving minerals; (2) in that the designation "Bio-Mineral," appearing in its labeling, was false and misleading since the article was not a life-mineral; (3) in that the statement appearing on its label, "A Natural Mineral Aid To be taken as a supplement for Mineral Deficiency," was false and misleading since the article would not supply, when taken in accordance with the directions, any mineral with the exception of iron, which would serve in any substantial manner as a supplement for mineral deficiency; and (4) in that the statement of chemical composition appearing on its label was misleading in the absence of a statement of the material fact that of the various ingredients mentioned none, except ferric sulfate, was of any material significance when the article was consumed in accordance with the directions appearing on the label.

On April 16, 1943, no claimant having appeared, judgment was entered ordering that the product be destroyed.

990. Misbranding of Viteen. U. S. v. 2,369 Jars and 929 Jars of Viteen. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 8862. Sample Nos. 1937-F, 1947-F.)

Examination showed that the article consisted primarily of dried skimmed milk with smaller proportions of egg yolk, a sugar, cereal products, calcium and phosphorus compounds, and flavoring material. It contained 27.8 percent protein, 10.3 percent mineral ash, 2.4 percent calcium, and 1.54 percent phosphorus.

On November 17, 1942, the United States attorney for the Northern District of Illinois filed a libel against 2,369 jars, 8 ounce size, and 929 jars, 18-ounce size, of Viteen at Chicago, Ill., alleging that the article had been shipped in interstate commerce within the period from on or about August 15 to October 27, 1942, from Rochester, N. Y., by L. N. LeBold & Co.; and charging that it was misbranded.

It was alleged to be misbranded in that the statements, designs, and devices appearing in its labeling which represented and suggested that the article constituted a suitable dietary supplement for use in restricted and unbalanced diets of various types, and whenever disturbances were apt to occur due to nutritional deficiencies, and that the use of the article would result in the reduction of weight, were false and misleading since the article did not constitute a suitable dietary supplement for use in such conditions, and its use would not result in the reduction of weight. It was alleged to be misbranded further in that the following statements appearing in its labeling "Analysis Each 100 grams of Viteen * * * contains: * * * Proteins * * * 31.96 Mineral Ash 13.28 Calcium 3.19 Phosphorus 1.79" were false and misleading since each 100 grams of the article did not contain the represented amounts of the ingredients named.

It was also alleged to be misbranded under the provisions of law applicable to foods, as reported in the notices of judgment on foods.

On December 1, 1942, L. N. LeBold & Co., claimant, having admitted the facts set forth in the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

991. Misbranding of double strength yeast extract and iron compound. U. S. v. 230 Bottles of Double Strength Yeast Extract and Iron Compound. Default decree of condemnation and destruction. (F. D. C. No. 8342. Sample No. 1103-F.)

On September 11, 1942, the United States attorney for the Western District of Michigan filed a libel against 230 bottles, each containing 75 tablets, of the above-named product at Grand Rapids, Mich., alleging that the article had been shipped in interstate commerce on or about June 3, 1942, from New York, N. Y., by the Columbia Medical Laboratories; and charging that it was misbranded.

A chemical examination showed that the article consisted essentially of calcium carbonate and a small quantity of yeast or yeast extract and sugar, and contained, per tablet, 0.64 grain of iron and 0.0022 grain of strychnine. A biological examination showed that the article contained not more than 10 International Units of vitamin B₁ per tablet.