

alleging that the article had been shipped in interstate commerce on or about July 18, 1939, by the Consumers Import Co., Inc., from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: "Deluxe 200 U. S. P. Non-destearinated Cod Liver Oil."

It was alleged to be adulterated in that its strength differed from and its purity fell below that which it purported or was represented to possess.

It was alleged to be misbranded in that the representation on the drum that it had a guaranteed potency per gram of 200 A. O. A. C. units of vitamin D, was false and misleading as applied to an article containing less than that number of chick units of vitamin D per gram.

On January 30, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

84. Adulteration of Hydeceryl. U. S. v. 20 Drums of Hydeceryl. Consent decree of condemnation. Product released under bond for relabeling. (F. D. C. No. 350. Sample No. 45777-D.)

This product was represented to contain 85 U. S. P. units of vitamin D per gram, whereas it contained not more than 50 such units per gram.

On August 12, 1939, the United States attorney for the Northern District of Illinois filed a libel against 20 drums of Hydeceryl at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about December 31, 1938, by the Industrial Oil Products Corporation from Los Angeles, Calif.; and charging that it was adulterated in that its strength differed from and its quality fell below that which it purported or was represented to possess, namely, not less than 85 U. S. P. units per gram. It was labeled in part: (Drum) "Murray Oil Products Company * * * Hydeceryl."

On January 12, 1940, A. C. Trask Co., a corporation, Chicago, Ill., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be properly relabeled.

85. Misbranding of Old Man Frantz Mountain Tonic. U. S. v. 36 Bottles of Old Man Frantz Mountain Tonic. Default decree of condemnation and destruction. (F. D. C. No. 1201. Sample No. 78890-D.)

The labeling of this product bore false and misleading representations regarding its content of vitamin A, and its efficacy in the conditions indicated hereinafter.

On December 16, 1939, the United States attorney for the Northern District of Ohio filed a libel against 36 bottles of the above-named product at East Liverpool, Ohio, alleging that the article had been shipped in interstate commerce on or about November 17, 1939, by Old Man Frantz from Pittsburgh, Pa.; and charging that it was misbranded.

Biological tests showed that each fluid ounce contained 178 U. S. P. units of vitamin A, 400 International Units of vitamin B₁, 334 International Units of vitamin C, and not more than 251 U. S. P. units of vitamin D.

The article was alleged to be misbranded in that its labeling bore representations that it contained vitamin A and directions that it should be taken in dosages of 1 ounce each day for normal persons, or 2 ounces each day for those who require an extra amount of vitamins, which were false and misleading since the article, if taken in accordance with the directions, would not provide a significant amount of vitamin A. It was alleged to be misbranded further in that its labeling bore representations that it was efficacious to increase pep, vim, vigor, and vitality; that it "would build up"; that it was efficacious for "that run-down feeling," nervousness, lack of appetite, lack of vigor and ambition; that it was a vitamin tonic; would aid in maintaining resistance to infections; that it was efficacious for lack of vigor, poor appetite, dry skin, diarrhea, poor teeth, sterility and weakness; would stimulate the appetite and aid digestion and assimilation; that it was efficacious for digestive disturbances, poor assimilation, poor lactation, atrophy of glands, gastric atony, head retraction; that it would improve appetite and stimulate the growth essential to tissue respiration and glandular functions; that it was efficacious for headache, low fertility, failure of male germ cells to develop; that it was antipellagic; would improve growth, promote health, prolong the active life span; was essential in the nerve tissues; that it was efficacious for dermatitis, breakdown of central nervous system, cataract (riboflavin factor) loss of hair, ulceration of tongue, loss in body weight of intestines and atony, which representations were false and misleading since the article was not efficacious for the purposes recommended.