

bicarbonate, potassium bitartrate, sodium bicarbonate and dextrose," was misleading in the absence of a statement of the material fact that the amount of calcium supplied by the preparation, when taken as directed, was substantially less than the normal requirement for calcium; (2) in that the statements on its labels, "Fatigue: The Dextrose content of this mixture contributes to fatigue relief," "The Dextrose content of this mixture contributes to the relief of fatigue," and "1 or 2 teaspoonfuls of Minra to  $\frac{3}{4}$  glass of water when needed for \* \* \* fatigue relief," were false and misleading since the article did not constitute an adequate or appropriate means of relieving fatigue; (3) in that the statement on the labels, "composed entirely of ingredients beneficial to bodily health," was misleading since the statement created the impression that the component ingredients of the article would maintain or restore bodily health, whereas the component ingredients of the article did not constitute an adequate or appropriate means of maintaining or restoring bodily health; (4) in that the statement on its labels, "Minra aids mineral metabolism when deficiencies of the minerals supplied herein are present," was false and misleading since the article, when taken in accordance with the directions, would not supply a deficiency of calcium; and (5) in that the statements appearing in the circular entitled "Facts About Minra," which accompanied the article and which represented and suggested that the article would relieve stomach distress, ward off fatigue, develop muscles, eliminate impurities from the blood, overcome excessive acidity, increase the hemoglobin, keep the body fluids more alkaline, increase resistance to minor infections such as colds, relieve headaches and acid indigestion, give a feeling of improved well-being, make an ideal "sleep promoter," help to cool the body, build strong bones and sound teeth, prevent anemia, postpone old age, prevent brittle bones and the aches and pains of old age, cause efficient use of vitamins, and relieve nausea or "morning-sickness," were false and misleading since the article would not fulfill the promises of benefits stated and implied therein.

On August 7, 1941, pursuant to an agreement between the Stayner Corporation, claimant, and the Government, an order was entered providing for a stay in the proceedings, and on July 22, 1943, an answer was filed by the claimant denying the allegations of the libel. On January 25, 1944, the claimant having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

**1182. Misbranding of mineral oil. U. S. v. 84 Cases and 288 Cases of Mineral Oil (and 1 other seizure action against mineral oil). Decrees of condemnation. Product ordered released under bond for relabeling. (F. D. C. Nos. 10321, 11053. Sample Nos. 42549-F, 42871-F.)**

On July 29 and November 26, 1943, the United States attorneys for the Eastern and Western Districts of Washington filed libels against 84 cases, each containing 12 1-quart bottles, and 288 cases, each containing 24 1-pint bottles, of mineral oil at Seattle, Wash., and 397 cases containing 24 1-pint bottles each, 12 cases containing 12 1-quart bottles each, and 14 cases containing 4 1-gallon bottles each of mineral oil at Spokane, Wash., alleging that the article had been shipped on or about May 28 and June 7, 1943, from Butler, Pa., by the Pennsylvania Refining Co.; and charging that it was misbranded.

The article was alleged to be misbranded in that the following statements: (Bottle label) "As a Substitute For Cooking Oils \* \* \* It can be used successfully for general baking and frying purposes \* \* \* It is also useful in the preparation of Salad Dressings as a substitute for Olive or other vegetable oils," and (display banner) "Save Your Red Points!!! Use Penn-Champ Mineral Oil for general Baking and Frying Excellent for Salad Dressing," were false and misleading since they falsely implied that mineral oil has the properties of and will function in the same way as edible vegetable cooking, baking, and frying oils, and is an oil suitable for use in salad dressing; and since the labeling failed to reveal the material fact that mineral oil may absorb certain vitamins and minerals and prevent their assimilation by the body.

The article in the Spokane lot and in a portion of the Seattle lot was alleged to be misbranded further in that the statements "Contents 1 Pint," "Contents One Quart," and "One Gallon," appearing in the labeling, were false and misleading as applied to an article that was short volume; and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On September 28, 1943, the Penn-Champ Oil Corporation, Butler, Pa., claimant, having admitted the allegations of the libel against the Seattle lot, judgment of

condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration. On January 6, 1944, no claimant having appeared for the Spokane lot, judgment of condemnation was entered and the product was ordered delivered to hospitals and other suitable charities for medicinal purposes. Thereafter, the Roundup Grocery Co., Spokane, Wash., and the Penn-Champ Oil Corporation appeared as claimants for the Spokane lot, and on March 11, 1944, a supplemental decree was entered ordering that the product be released under bond for relabeling in a manner suitable to the Food and Drug Administration.

**1183. Misbranding of Colestin Natural Mineral Water. U. S. v. 9 Cases of Colestin Natural Mineral Water. Default decree of condemnation and destruction. (F. D. C. No. 11032. Sample No. 11173-F.)**

On November 1, 1943, the United States attorney for the Southern District of California filed a libel against 9 cases, each containing 24 bottles, of the above-named product at Lompoc, Calif., alleging that the article had been shipped on or about September 8, 1943, by the Colestin Mineral Water Co., from Medford, Oreg.; and charging that it was misbranded.

Examination of the article disclosed that it was mineral water containing about 0.29 percent dissolved mineral matter.

The article was alleged to be misbranded because of false and misleading statements on its label which represented and suggested that the article was effective for kidney, stomach, and rheumatic troubles, biliousness, and similar conditions.

On December 28, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1184. Misbranding of Buffalo Mineral Water. U. S. v. 37 Bottles of Buffalo Mineral Water. Default decree of condemnation and destruction. (F. D. C. No. 10930. Sample No. 46387-F.)**

On October 21, 1943, the United States attorney for the Eastern District of North Carolina filed a libel against 37 5-gallon bottles of Buffalo Mineral Water at Wake Forest, N. C., alleging that the article had been shipped on or about June 21, 1943, by the Buffalo Mineral Springs Co., Inc., from Buffalo Springs, Va.; and charging that it was misbranded.

Examination disclosed that the article was a lightly mineralized water.

The article was alleged to be misbranded because of false and misleading statements appearing in the leaflet entitled "Perhaps . . . You Might Wish to Know," which represented and suggested that the article would improve or restore health; and that it was an unexcelled diuretic and would be of great benefit in the treatment of kidney disorders, diabetes, renal calculi (stone in the bladder), inflammation of the bladder, Bright's disease, constipation, stomach disorders, indigestion, gastro-intestinal disorders, jaundice, liver disorders, alcoholism, rheumatism, neuritis, arthritis, disorders of the nervous system, influenza, colds, and children's diseases.

On December 11, 1943, no claimant having appeared, judgment of condemnation was entered and it was ordered that the contents of the bottles containing the articles be destroyed and that the empty bottles, after the removal of the labels thereon, be returned to the Buffalo Mineral Springs Co., Inc.

**1185. Misbranding of Vita-Pure B-Complex Vitamins. U. S. v. 16 Display Cards of Vita-Pure B-Complex Vitamins. Decree of condemnation and destruction. (F. D. C. No. 10944. Sample No. 36265-F.)**

On October 20, 1943, the United States attorney for the District of Colorado filed a libel against 16 display cards to each of which were attached 24 small cartons, each containing 10 tablets, of Vita-Pure B-Complex Vitamins at Colorado Springs, Colo., alleging that the article, which had been consigned by the Roisman Products Co., had been shipped from Oklahoma City, Okla., on or about March 30, 1943; and charging that it was misbranded. The article was labeled in part: "Each Tablet Contains: Vitamin B<sub>1</sub> (Thiamine Chloride) 333 U. S. P. Units Vitamin B<sub>2</sub> (G) Riboflavin 500 micrograms."

Examination disclosed that the article contained not more than 266 U. S. P. Units of vitamin B<sub>1</sub> per tablet, and that it contained approximately the amount of vitamin B<sub>2</sub> declared on its label.

The article was alleged to be misbranded in that the statements appearing in its labeling which represented and suggested that the article would be efficacious in the prevention and correction of nervousness, loss of appetite, mental depres-