

sion, skin disorders, weakness, neuritis, constipation, fatigue, faulty memory, and nutritional anemia; that it would help keep one feeling fit; and that 1 tablet per day of the article would afford the average minimum requirements of adult persons for B-complex vitamins, were false and misleading since the article would not effect the results suggested or implied, and it would not furnish the minimum adult requirements for vitamin B₂, one of the B-complex vitamins.

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

On October 30, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1186. Misbranding of Huzzah A Vitamin B₁ & B₂ Supplement. U. S. v. 42 Cases of Huzzah A Vitamin B₁ & B₂ Supplement, and 33 Cartons of Printed Material. Default decree of condemnation and destruction. (F. D. C. No. 12276. Sample No. 54833-F.)

On May 5, 1944, the United States attorney for the Eastern District of Wisconsin filed a libel against 42 cases, each containing 12 1-pint bottles, of the above-named article, and 33 cartons of printed material, containing a supply of circulars, a number of leaflets, and a number of display cards and streamers, at Milwaukee, Wis., alleging that the article and printed material had been shipped in interstate commerce on or about November 20, 1943, from Chicago, Ill., by the Huzzah Corporation of America; and charging that the article was misbranded. The printed material was entitled: (Circular) "What Is Huzzah," (leaflet) "Huzzah A Vitamin Drink Supplement," and (display card and streamer) "Feel Better Tomorrow."

Examination showed that the article was essentially a water solution of glycerin, caramel, and phosphoric acid, and that it contained vitamin B₁ and riboflavin.

The article was alleged to be misbranded in that the statements in its labeling which represented and suggested that use of the article would prevent physiological reactions due to overindulgence in alcoholic beverages; that it would prevent or correct the various conditions named, which included low resistance to alcoholic stimulants, nervousness, exhaustion, a fagged-out feeling, headaches, faulty digestion, lack of appetite, stunted growth, polyneuritis, and certain skin disorders; and that it would insure energy and strength, were false and misleading since the article would not accomplish the results stated or implied.

The article was also alleged to be misbranded under the provisions of the law applicable to foods, as reported in the notices of judgment on foods, No. 6200.

On June 13, 1944, no claimant having appeared, judgment of condemnation was entered and the product, together with the printed material, was ordered destroyed.

1187. Misbranding of Himrod's Asthma Powder. U. S. v. 19 Dozen Packages of Himrod's Asthma Powder. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 6536. Sample No. 74166-E.)

On December 18, 1941, the United States attorney for the Eastern District of New York filed a libel against 19 dozen packages of the above-named product at Brooklyn, N. Y.; alleging that the article had been shipped from Hoboken, N. J., by the Himrod Manufacturing Co. on or about October 8 and November 14, 1941; and charging that it was misbranded. On December 9, 1942, an amended libel was filed in clarification of the charge of misbranding.

Examination disclosed that the article consisted essentially of a mixture of stramonium and potassium nitrate.

The article was alleged to be misbranded (1) in that the designation "Himrod's Asthma Powder," appearing upon the carton, the metal container, and the booklet enclosed in the package, was false and misleading since it created the impression that the article was a treatment for asthma, whereas the article was not a treatment for asthma but was merely a temporary palliative for the acute temporary manifestations of that disease; (2) in that the statement in the labeling of the article, "To relieve the paroxysms of Asthma and Asthmatic Hay Fever," was false and misleading since it represented and suggested that the article would relieve the paroxysms of asthmatic hay fever, whereas it would not relieve such paroxysms; and, since the words "Asthma" and "Hay Fever" were given much greater prominence than were the words "To relieve the paroxysms of," the impression was created that the article was a treatment for asthma and hay fever, whereas it was not; and (3) in that certain statements appearing in its labeling which created the impression that the article would accomplish more