

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

than a temporary relief of the spasms of bronchial asthma, and that the use of the article would result in decreasing the severity and frequency of such spasms, causing their ultimate disappearance, were false and misleading since the article would not accomplish such results.

On January 31, 1944, the Himrod Manufacturing Co., claimant, having filed an answer denying the misbranding of the product, and later having withdrawn its answer and consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of an employee designated by the Federal Security Administrator.

1188. Misbranding of Opera Tablets. U. S. v. 34 Packages of Opera Tablets. Default decree of condemnation and destruction. (F. D. C. No. 11064. Sample No. 51343-F.)

On November 4, 1943, the United States attorney for the District of Rhode Island filed a libel against 34 packages of Opera Tablets at Pawtucket, R. I., alleging that the article had been shipped on or about September 25, 1943, from Webster, Mass., by the Goodness Bros. Co.; and charging that it was misbranded.

Examination of a sample of the article disclosed that the tablets were composed of a mixture of powdered plant drugs including buchu, aloe, gamboge, capsicum, and ginger.

The article was alleged to be misbranded because of false and misleading statements in its labeling which represented and suggested that the article was effective in the treatment of eczema, skin diseases, general debility, obesity, bladder trouble, blood poisoning, yellow skin, yellow blotches, liver spots, pains in the side, blood rushing, rings around the eyes, a heavy, tired feeling, watery blood, wind on the stomach, gases, swollen sides, headaches, fits, fainting spells, dyspepsia, catarrh of the stomach, dropsy, sore joints, anemia, jaundice, biliousness, costiveness, heart-flush spells, loss of appetite, pimples, sleeplessness, worry, rheumatism, swollen joints, gall stones, heart trouble, bed wetting, kidney diseases, backache, weakness, dizziness, vertigo, painful urination, gravel in the urine, irritable temperament, fever, uric acid, blood poisoning, shortness of breath, epilepsy, urinary weakness, constipation, pallor, coated tongue, yellowing of the whites of the eyes, enlargement, hardness, and atrophy of the liver, loss of desire for exercise, diarrhea, appendicitis, and melancholia. It was alleged to be misbranded further in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each active ingredient.

On December 4, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1189. Misbranding of Car-Bo-Ak. U. S. v. 23½ Dozen Packages of Car-Bo-Ak. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 11027. Sample No. 39790-F.)

On November 3, 1943, the United States attorney for the District of Arizona filed a libel against 23½ dozen packages of Car-Bo-Ak at Phoenix, Ariz., alleging that the article, which had been consigned by the Brunswig Drug Co., Los Angeles, Calif., had been shipped on or about November 23, 1942; and charging that it was misbranded. The article was labeled in part: "CAR-BO-AK * * * A pharmaceutical compound of principles of medicinal plants. Containing Burdock, Licorice Root, Poke Root, Xanthoxylum Stillingia, Sarsaparilla. * * * Prepared for John L. Van Houten * * * Temple City, California."

Examination disclosed that the article consisted essentially of water, alcohol, and extracts of plant materials, including licorice.

The article was alleged to be misbranded because of false and misleading statements appearing in its labeling which represented and suggested that it was effective as an alterative, as a blood tonic, and as a relief for rheumatic conditions, improper elimination, and auto-intoxication; and that it was effective in the treatment of skin diseases such as scrofula, carbuncles, boils, sties, and acne pimples.

On December 23, 1943, John L. Van Houten having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

1190. Misbranding of Citra Nesia. U. S. v. 800 Bottles of Citra Nesia. Default decree of condemnation and destruction. (F. D. C. No. 10821. Sample No. 39468-F.)

On or about November 6, 1943, the United States attorney for the District of Arizona filed a libel against 800 bottles of Citra Nesia at Phoenix, Ariz., alleging