

ALLEGED SHIPMENT: On or about October 21, 1948, by the Goodwear Rubber Co., from New York, N. Y.

PRODUCT: 76 gross of *prophylactics* at Indianapolis, Ind. Examination of samples showed that 4.1 percent were defective in that they contained holes.

LABEL, IN PART: "Texide Manufactured by L. E. Shunk Latex Prod., Inc., Akron, Ohio."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported or was represented to possess.

Misbranding, Section 502 (a), the label statements "Prophylactic" and "Prophylactic * * * Tested * * * for your protection" were false and misleading as applied to an article containing holes.

DISPOSITION: March 8, 1949. Default decree of forfeiture and destruction.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

DRUGS FOR HUMAN USE*

2684. Misbranding of Alberty's products. U. S. v. 6 Packages, etc. (F. D. C. No. 26381. Sample Nos. 27840-K to 27842-K, incl., 27845-K to 27848-K, incl., 27853-K to 27856-K, incl., 27858-K, 27860-K, 27862-K, 27863-K, 27865-K to 27867-K, incl.)

LABEL FILED: January 20, 1949, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about June 23, August 23, September 16, and October 8, 1948, by Alberty Food Products, from Hollywood, Calif.

PRODUCT: 6 packages of *Cheno Herb Tea Laxative*, 45 packages of *Cheno Combination Tablets*, 5 bottles of *Cheno Phytolacca Berry Juice Extract Tablets*, 22 bottles of *Alberty's Sabinol Homeopathic*, 7 boxes of *Alberty's Vitamin A Shark Liver Oil*, 54 bottles of *Alberty Phlowo B Tablets*, 6 bottles of *Ri-Co Tablets*, 3 cartons of *Instant Alberty Food*, 10 cartons of *Alberty's Food Regular*, 26 bottles of *Alberty's Lebara Pellets*, 27 bottles of *Alberty's Lebara No. 2 Pellets*, 3 bottles of *Alberty's Vi-C Tablets*, 3 bottles of *Recal Tablets*, 5 bottles of *Wheat Germ Oil*, 1 bottle of *R-Gon Tablets*, 7 bottles of *Alberty's Vitamin B₁ Tablets*, 7 bottles of *Alberty Vitamin B Complex Tablets*, and 3 bottles of *Alberty Riol Tablets* at St. Louis, Mo.

The products were accompanied by a number of booklets entitled "Dynamic Digests." These booklets had been shipped by the Alberty Food Products on or about July 17, 1948.

LABEL, IN PART: "Cheno Herb Tea Laxative Contains: Active Laxative ingredient Senna, combined with the following inactive ingredients: Kelp, licorice root, peppermint, fennel, anise, coriander, sassafras, ivy leaves, ononis, chick weed, black alder bark, beanshells," "Cheno Combination Tablets * * * Dehydrated Parsley, Swiss Chard, Dulce, Irish Moss, Spinach, Psyllium, Di-calcium Phosphate and Iron Phosphate," "Cheno Phytolacca Berry Juice Extract Tablets * * * Each Tablet contains the Extractives From Eight Drops of Phytolacca Berry Juice With Absorbents and Excipients," "Alberty's Sabinol Homeopathic * * * Each Pellet Contains: Berberis Vulgaris, Lycopodium, Uranium Nit, Equisetum," "Alberty's Vitamin A (High Potency) Shark Liver Oil * * * Each Perle Contains

*See also Nos. 2672, 2673, 2680-2683.

25,000 U. S. P. Units of Vitamin A," "Alberty's Phloxo B Tablets Vitamin B₁ with Homeopathic Amounts of Five Phosphates Each Tablet contains 40 Units of Vitamin B₁, 1/1000 gr. each of Phosphates of Iron, Potassium, Sodium, Calcium and Magnesium," "Ri-Co Tablets Homeopathic Combination * * * Each tablet contains Lithium Benzoicum, Ammonium Phos. Lycopodium," "Instant Alberty Food * * * Made with Dried Whole and Skim Milk and a Special Grind of Cereal (Wheat, Barley) and Dibasic Calcium Phosphate," "Alberty's Food * * * Contains special grind of cereal—Wheat, Barley, and Dibasic Calcium Phosphate," "Alberty's Lebara Pellets Homeopathic Contains Sodium Sulphate in Homeopathic amounts—1/1000 grain per pellet," "Alberty's Lebara No. 2 Pellets Homeopathic Principle Each Pellet Contains: Celandine Barberry Fringe-tree," "Alberty's Vi-C * * * Tablets * * * 30 Mg. Each Vitamin C," "Recal * * * Ingredients: Dicalcium Phosphate, Potassium Iodide, Irradiated Ergosterol, Sweetener, Citric Acid with excipients, Artificial Color and Flavoring. Six Tablets (Recommended Daily Intake) provide: Calcium . . . 1200 Mg. Phosphorus . . . 960 Mg. Iodine . . . 0.3 Mg. Vitamin D . . . 1000 U. S. P. Units," "3 Minim Perles Wheat Germ Oil," "R-Gon An Antacid Tablet * * * Ingredients: Magnesium Trisilicate, Calcium Carbonate, Bismuth, Subcarb., Magnesium Carb., and Flavoring," "Alberty's Vitamin B₁ * * * Six Tablets Provide: Vitamin B₁ . . . 1200 Inter. Units Vitamin B₂ . . . 0.21 Milligrams Niacin . . . 1.02 Milligrams Pantothenic Acid . . . 0.3 Milligrams Vitamin B₆ . . . 0.25 Milligrams," "Alberty Vitamin B Complex Tablets With High-Potency B₁ Each Tablet Supplies Vitamin B₁ . . . 500 U. S. P. Units Vitamin B₂ . . . 0.66 Mg. Vitamin B₆ . . . 0.1 Mg. Pantothenic Acid . . . 0.1 Mg. Niacin . . . 3.33 Mg.," and "Alberty Riol * * * Six Tablets Contain Vitamin C . . . 300 Milligrams (6000 U. S. P. Units) Niacinamide . . . 250 Milligrams Calcium . . . 700 Milligrams Phosphorus . . . 360 Milligrams Unsat. Fatty Acids . . . 5 Minims."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the labeling of the articles were false and misleading. These statements represented and suggested that the articles would be effective for the following purposes, whereas they would not be effective for such purposes:

That the *Cheno Herb Tea Laxative*, the *Cheno Combination Tablets*, and the *Cheno Phytolacca Berry Juice Extract Tablets* were effective to reduce body weight;

That the *Alberty's Sabinol Homeopathic* was an effective treatment for urinary discomforts, dull achy feeling across the back, sharp pains in the kidneys, getting up frequently during the night, spots before the eyes, swelling of the feet, ankles, and lower limbs, dark circles beneath the eyes and puffiness, and lack of vitality; and that the article would exert a favorable action on the liver, promote the flow of bile, remedy renal (kidney) troubles and urinary discomforts, and increase the flow of urine and lessen its acidity;

That the *Alberty's Vitamin A Shark Liver Oil* was effective in preventing cirrhosis of the liver; was of benefit in liver disease; would decrease formation of kidney stones; would protect against colds; would effect speedy recovery from colds; would build resistance to infections of the sinuses, respiratory tract, and genito-urinary system; was an effective treatment for acne, sinusitis, colds, and bad eyesight; would help relieve tired, strained eyes; would aid sinus symptoms; would help build up resistance to colds; and would favorably affect tired eyes, dry skin, impairment of the teeth and bones, and lack of energy;

That the *Alberty Phloxo B Tablets* were effective in preventing long continued loss of sleep, disturbed sleep, premature old age, and insanity; in preventing the brain cells from losing their recuperative powers and their ability to eliminate the day's accumulation of waste products; and in preventing a depressed functioning throughout the whole system and the nervous system from becoming adversely affected; that they would give a soothing and relaxing effect; would induce natural and healthful sleep; would prevent the nerves from being starved; would prevent insomnia, nervousness, upset feeling, and irritability; would soothe and relax taut nerves; and would soothe irritability and nervousness and invite restful sleep;

That the *Ri-Co Tablets* were an effective treatment for arthritis, neuritis, rheumatism, chronic sepsis, a form of self-poisoning; would correct nutritional errors; would prevent the liver from being overworked and the kidneys becoming involved; would destroy toxic poisons; would prevent excess acid being released into the blood stream without being properly alkalized; would prevent deposits of earthy mineral substances accumulating in some of the joints; would prevent a form of rheumatism in which certain urates are found in the muscles, which become increasingly inflamed and painful; and would prevent stiff, painful, swollen, deformed joints, bones from wasting away, and overgrowth of bones, resulting in deformity of the joints;

That the *Instant Alberty Food* and the *Alberty's Food Regular* were an effective treatment for ulcers, colitis, hyperacidity, ulcerated stomach, anemia, and a general run-down condition in persons recovering from malaria fever; that they would be effective for curing in 8 months duodenal ulcers of five years standing; that they would be effective in the treatment of tuberculosis and stomach trouble; that in combination with *Alberty Phloxo B Tablets* and *Alberty's Lebara Pellets*, they would be effective to remedy deficiency conditions where certain cells, tissues, and glands had been affected through the medium of the nervous system, blood, cells, and tissues, liver, kidneys, and other glands of the body; that in combination with the *Alberty Phloxo B Tablets*, the *Alberty's Lebara Pellets*, and the *Alberty's Sabinol Homeopathic*, the articles would be effective to remedy urinary discomforts; and that in combination with the *Alberty Phloxo B Tablets*, the *Alberty's Lebara Pellets*, and the *Ri-Co Tablets*, the articles would be effective to remedy arthritis and rheumatism;

That the *Alberty's Lebara Pellets* and the *Alberty's Lebara No. 2 Pellets* were an effective treatment for conditions of the liver which prevent toleration of fats, sweets, and starches; chronic indigestion due to dysfunctions of the liver; abused liver, which could no longer protect the body; overworked liver which was not able to prevent harmful toxic wastes and material from the bile entering the blood stream and creating a toxic condition and a yellowish discoloration of the skin and the whites of the eyes; jaundice, inactive liver, and other liver ailments such as biliousness, intestinal indigestion, malassimilation, dropsy, and toxemia; liver and gall bladder disorders leading to the development of gallstones; disease of the gall bladder and stomach disorders resulting therefrom; disease of the liver; and sallow or acid complexion; that the articles would render the liver healthy and thereby render the skin clear and the eyes bright and clear; and that they would keep the liver cells in an active healthy condition so that they could render harmless all the poisons and acids that the blood receives from the digestive tract and thus prevent the individual from becoming toxic or developing other symptoms of a deranged liver;

That the *Alberty's Vi-C Tablets* were an effective treatment for weak and bleeding capillaries; a tendency to bruise easily and to hemorrhage; red, swollen, and possibly bleeding gums; lowered resistance; reduced hemoglobin and a tendency to anemia; aching bones and joints; tooth decay; and chronic fatigue; that they would be effective for producing clear reasoning, especially in times of mental strain; in giving health and strength to the soft and connective tissues; in aiding in the nutrition of the thyro-adrenal system; in enabling the bone marrow to produce needed cell forms and the blood to take up oxygen from the lungs and expel carbon dioxide; for producing hair growth and coloring; for aiding the formation of hemoglobin; for lowering the blood sugar level in diabetes; for counteracting many body poisons; and for bringing relief in many stubborn cases of hay fever, asthma, and other forms of allergy.

That the *Recal Tablets* were an effective treatment for below-par conditions due to an overacid condition; that they would be effective to prevent or correct changes in the hormones, including those secreted by the thyroid, parathyroids, testicles, ovaries, pituitary, and adrenals, resulting from severe and long-continued overacid conditions causing lowered resistance to infections, ailments, and disease; that they would obviate the effects of excess acid on the cells of the body; that they would be effective to upbuild the cells and tissues and to obviate the effects of an excessive amount of acid which inhibits normal tissue changes and cell reproduction; that they would be effective for maintaining the blood's capacity to carry oxygen; for preventing irritation of the nerves; for aiding in complete assimilation of fats; for assistance in the elimination of toxic poisons and other waste products; and in preventing one or more of a great variety of disorders, including neuritis, rheumatism, gout, kidney involvement, asthma, heart trouble, inflammation of the gall bladder, ulcers, and abscesses; and that they would favorably affect all forms of disease, acute and chronic;

That the *Wheat Germ Oil* was an effective treatment to favorably affect the workings of the brain and to produce quick, brilliant minds; to favorably affect one's intelligence; by administration to the mother to render her offspring more capable of acquiring intelligence; to liven the mental faculties; to favorably affect the bodies and minds of those unfortunates suffering from dementia praecox; to restore in some measure fertility in cases of dementia praecox before sterility had set in; to effect a general improvement of all functions of the body, muscular vigor and mental reorganization; to prevent sterility; to bring happiness to married couples whose homes lack the children they want; to prevent miscarriages; to favorably affect the development of the internal organs and sex glands, the quality and quantity of mother's milk, growth and development, and the functioning of the thyroid gland and pancreas; to give relief in or to cure certain types of paralysis in humans; to give relief to primary fibrositis which cripples the muscles and to completely rid many patients of the disease; and to prevent muscular atrophy in children;

That the *R-Gon Tablets* were an effective treatment for ulcers of the stomach and duodenum and for prevention of perforation peritonitis;

That the *Alberty's Vitamin B₁ Tablets* and *Alberty Vitamin B Complex Tablets* were an effective treatment for producing general fitness; to affect metabolism, growth, and development; to improve the appetite and nutrition; to effect gain in weight; to tone the digestive tract; to increase endurance and energy and to supply essential needs of the glands, vital organs, and nervous system; to benefit certain cases of heart disease and some cases of

arthritis and neuritis; to increase the body's insulin output and sugar tolerance in cases of diabetes; and to treat mental cases and to improve the intelligence of school children;

That the *Alberty Riol Tablets* were an effective treatment for hay fever, sneezing, blowing, and sniffing; and that they would be effective to allay the distressing symptoms of hay fever, asthma, and other allergies.

DISPOSITION: February 11, 1949. Default decree of condemnation and destruction.

2685. Misbranding of mixed natural estrogens. U. S. v. 8 Vials * * *. (F. D. C. No. 26461. Sample No. 28066-K.)

LIBEL FILED: February 14, 1949, District of New Mexico.

ALLEGED SHIPMENT: On or about November 29, 1948, by Henry C. Haist & Co., from Kansas City, Mo.

PRODUCT: 8 30-cc. vials of *mixed natural estrogens* at Albuquerque, N. Mex.

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statements "Mixed natural estrogens" and "consisting principally of Estrone and Estradiol derived from pregnant mare's urine" were false and misleading since the estrogens present in the article were not mixed natural estrogens and were not obtained from pregnant mare's urine; and the label statements "Estrogens in aqueous microsuspension" "very fine crystalline aqueous suspension," and "Aqueous solvent" were false and misleading since the suspending medium was not water but was a mixture of water, propylene glycol, and benzyl alcohol.

DISPOSITION: March 14, 1949. Default decree of condemnation and destruction.

2686. Misbranding of Miracle Oil and Miracle Inhalers. U. S. v. 1,007 Bottles, etc. (F. D. C. No. 26462. Sample Nos. 44341-K, 44350-K to 44352-K, incl.)

LIBEL FILED: February 8, 1949, Southern District of Ohio.

ALLEGED SHIPMENT: On or about January 4 to 7, 1947, and on or about January 11 and 28 and February 2, 1949, from New York, N. Y.

PRODUCT: 1,511 1-ounce bottles, 144 2-ounce bottles, 249 4-ounce bottles, and 23 8-ounce bottles of *Miracle Oil*, and 2,016 *Miracle Inhalers*, at Columbus, Ohio. There were on display with the products various posters relating thereto which were prepared on instructions of Mr. Irving Gartman, a demonstrator for the products.

Examination showed that the *Miracle Oil* consisted essentially of volatile oils, including eucalyptus, camphor, and menthol, and that the *Miracle Inhaler* was a glass tube, constricted at one end, with cotton between the corks.

LABEL, IN PART: (Bottle) "Miracle A combination of Oil of Miracle Oil of Eucalyptus, Oil of camphor menthol Oil of peppermint thymol" and "Miracle Inhaler. Directions: Insert a few drops of Miracle Oil Compound into filler end of inhaler tube."

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements and design appearing in the various posters on display with the articles were false and misleading since the articles were not effective in the treatment of the diseases and conditions stated and implied: "Miracle Eucalyptus Compound! Head Colds. Hay Fever. Arthritis. Ear Ache. Sinus. Rose Fever. Neuritis. Chest Colds. Asthma. Rheumatism. Sprains. L u m b a g o. Sinus