

DISPOSITION: October 2, 1951. Default decree of condemnation and destruction.

3676. Misbranding of Mile Deep mineral water. U. S. v. Jesse L. Rogers. Plea of nolo contendere. Sentence of 6 months' imprisonment suspended and defendant placed on probation for 6 months. (F. D. C. No. 30577. Sample No. 3052-K.)

INFORMATION FILED: June 18, 1951, District of Columbia, against Jesse L. Rogers, president of R. & S. Nutrients, Inc., Washington, D. C.

ALLEGED VIOLATION: On or about July 24, 1950, the defendant sold and delivered in the District of Columbia a quantity of *Mile Deep mineral water*, a drug; and between the approximate dates of July 24 and August 23, 1950, the defendant caused to accompany the drug a number of booklets entitled "Mineral Water from the Mile Deep Maple Well."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the booklet entitled "Mineral Water from the Mile Deep Maple Well" were false and misleading. The statements represented and suggested that a spoonful daily of the article would provide the user with good health; that the article would be efficacious in the treatment of sores on the face and body; that the calcium chloride content of the article enabled it to produce red blood; that its magnesium content acted as a cleansing agent; that many major diseases are caused by deposits of inorganic minerals in the body (joints, blood vessels, etc.), and that the article would put such minerals to work for health; that it would be efficacious in preventing stiffening and excess depositing of minerals in the tissues, and thus would be efficacious to prevent or relieve arthritis, high blood pressure, or other ailments; that it would be efficacious to render water-soluble the deposited or crystallized minerals and metals in and on the tissues, making these more flexible; that it would be efficacious to cause the body to assimilate minerals deposited in or on the tissues; that it would be efficacious to dissolve tissue waste and thus benefit the sick; that it would be efficacious to prevent poor health as a result of metal or mineral poisoning due to trace elements ingested in larger quantities than the body can use; that it was a wonderful aid to arthritic patients by reason of its ability to break down excessive calcium deposits in the joints; that it would be efficacious to move poisons in the body; that it would remove the cause of high blood pressure, gallstones, and scores of other ailments; that it would be effective to restore health and to provide the necessary elements for the structure and vitality of the organs; that it would be efficacious to maintain health and strength by supplying inorganic salts; that it would be effective in curing long standing chronic diseases brought on by overdosing and excessive use of such medicines as quinine, mercury, etc.; that it would be efficacious to remedy the chronic forms of nervous debility, rheumatism, asthma, anemia, diabetes, goiter, organic heart disease, neuralgia, paralysis, varicose veins, catarrh, and dropsy; that by reason of its content of sulfate of calcium, it would be efficacious to prevent cell disintegration and suppuration, and would be effective in the third state of all suppurative processes, including catarrhs, lung troubles, boils, carbuncles, ulcers, abscesses, pimples and pustules of the face, and all cases of true suppuration; that by reason of its content of chloride of potash, it would be efficacious in the treatment of glandular swelling, discharges or expectoration of a thick, white,

fibrous consistency, white or grey exudations, and would be excellent in catarrhal conditions with those symptoms; that it would be effective to remedy croup, diphtheria, dysentery, and pneumonia, and would be effective to control plastic exudation; that by reason of its content of chloride of soda, it would be effective to act on the blood, liver, spleen, and every mucous membrane of the body; that by reason of its content of chloride of soda, it would be efficacious in the treatment of headache, toothache, faceache, stomach ache, vomiting of water and mucus, catarrhal affections of mucous membranes with secretion of transparent, frothy, watery mucus, small watery blisters or blebs on the skin, diarrhea, slimy, transparent stools, inflammation of the eyes, and leucorrhea; that it would be efficacious to wash the tissues and eliminate drugs from the system; that by reason of its silica content, it would be effective to promote suppuration and ripen abscesses; that it would be effective to cure chronic, gouty, rheumatic affections and restore suppressed foot-sweats, thus indirectly remedying diseases resulting from suppression of foot-sweat, such as amblyopia, cataract, paralysis, etc.; that it would be effective to prevent atrophy; that it would favorably affect the central and peripheral nervous systems, and thus it would be efficacious in the treatment of languor, sleepiness, anxious dreams, nervous irritability, depression, headaches, trembling, and parietic symptoms; by reason of its chlorine content, it would be effective to aid in the regulation and stimulation of muscular action, would be effective to aid digestion, and would activate; that by reason of its magnesium content, it would favorably affect muscular activity, nerve stability, and bone structure, and would have a laxative effect; that by reason of its sodium content, it would be efficacious to maintain normal heart action; that it would be effective to prevent rapid disintegration of cell tissues; that by reason of its radium content, it would have beneficial effects; that it would be effective to render the user free from all symptoms of rheumatism; that it would be efficacious to remedy diabetes mellitus, and that where the pancreatic gland is not too much destroyed, it would be efficacious to restore the gland to its normal functions; that it would be efficacious in the treatment of tuberculosis; that it would be efficacious in the cure of high blood pressure; that it would be efficacious in the treatment of severe cases of laryngitis accompanied by an ulcerated mouth; that it would be efficacious to remedy unbearable pain in the legs; that it would be effective in the treatment of pyorrhea; that if used as a rinse for the mouths of children, it would be efficacious to decrease their aches and pains and ill health caused by pyorrhea; that it would be efficacious to relieve external itching; that it would be efficacious to give quick recovery from an alcoholic "binge"; that it would be efficacious in the treatment of hemorrhoids; that it would be efficacious in the treatment of the common cold, la grippe, and bronchitis; that it would be efficacious to produce a healthy pink color in the face; that it would be efficacious in the treatment and cure of disease conditions in cases of all sorts, such as hives of long standing, high blood pressure, diabetes, ulcers of the stomach, arthritis, leg pains, kidney and bladder trouble, and loss of appetite, where no response had resulted from the usual medical and hospital treatment, various diets, and/or drugless treatments; that it would be efficacious to enable the diabetic to abandon the use of insulin; that it would be more effective in getting the average patient back toward health than vitamins; that when applied externally, it would be efficacious in the treatment of ulcers; that it would supply mineral salts which would not be obtainable in food because of depleted soils and cooking; that it would be efficacious in the treatment and cure of duodenal and pyloric ulcers;

that it would be efficacious in the treatment and cure of gastric ulcers, and would render the user stronger and more buoyant; that it would supply energy and pep, and would make the user feel like one, half his age; that it would be efficacious in the treatment of dizzy spells and weakened condition, and would enable the user to sleep; that it would be efficacious in the cure of nausea resulting from a nervous stomach, and would be efficacious to shorten the course of la grippe and the "grippy" cold and "achy" feeling accompanying that condition; and that it would be efficacious to prevent the loss of sense of smell or taste during a cold. The article would not be efficacious to accomplish and would not accomplish, nor be effective to accomplish, the results and purposes represented and suggested.

DISPOSITION: December 7, 1951. The defendant having entered a plea of nolo contendere, the court sentenced him to prison for 6 months, but suspended the execution of the sentence and placed him on probation for 6 months.

3677. Misbranding of Cal-O-Min "D" tablets and Cal-O-Min Jr. tablets. U. S. v. 8 Cases, etc. (F. D. C. No. 31708. Sample Nos. 11535-L, 11536-L.)

LIBEL FILED: September 20, 1951, Eastern District of Tennessee.

ALLEGED SHIPMENT: On or about April 3 and 5, 1951, by Cal-O-Min, Inc., from Wichita, Kans.

PRODUCT: 8 cases, each containing 12 100-tablet bottles, and 2 cases, each containing 12 200-tablet bottles, of *Cal-O-Min "D" tablets*, and 5 boxes, each containing 24 10-tablet vials, of *Cal-O-Min Jr. tablets*, at McMinnville, Tenn. Leaflets entitled "For Your Health's Sake" were shipped with the product.

LABEL, IN PART: (Bottle) "Cal-O-Min 'D' (10 grains) * * * Analysis CaCO₃, Calcium Carbonate 99.3% Fe₂O₃, Iron Oxide .007% MgO, Magnesium Oxide .027% MgCO₃, Magnesium Carbonate .486% Vitamin 'D' per Tablet 250 U. S. P."; (vial) "Cal-O-Min Jr. * * * Contents: Calcium Carbonate (Crystalline Form), Iron Oxide, Mag. Carb. Directions: 1 or 2 Tab."

NATURE OF CHARGE: *Cal-O-Min "D" tablets*. Misbranding, Section 502 (a), certain statements in the leaflets were false and misleading. These statements represented and suggested that the article was an adequate and effective treatment for rash, hives, pimples, eczema, asthma, bowlegs, anemia, arthritis, bad blood, rickets, bad teeth, nervousness, fatigability, rheumatism, hot flashes, nail biting, heartburn, gas pains, hay fever, indigestion, allergies, constipation, brittle nails, round shoulders, assaultiveness, incorrigibility, swollen glands, defective veins, heart ailments, non-adaptability, poor complexion, defective vision, bony deformities, defective intestines, defective arteries, lack of personality, migraine headaches, neuralgic headaches, withering with age, poor hair texture, rheumatic fever pains, leg and muscle cramps, and reduced resistance to disease; that the article would improve the health, complexion, and personality; that it would enable the user to avoid deformities, disease, and suffering; that it is required for the perfect digestion of all foods; that it is the dominant nerve controller and regulates nerve action; that it coordinates other mineral elements and corrects their disturbances; that it affects the cell formation of all living things and vitalizes cell life; that it governs the rhythmic beat of the heart; that it increases strength and pulsation of the heart; that it corrects defects in blood coagulation; that it strengthens the walls of arteries, veins, and intestines; that it increases resistance to fever and disease; that it governs contractility of the muscles; that it promotes intelligence, will power, and ability to concentrate; that it supplies calcium, necessitated by the alleged