

fact that many of our foods are being raised on depleted soils that no longer supply us with sufficient calcium; and that there are many symptoms of ill health due to calcium deficiencies in our daily diet, and that many morbid conditions and actual diseases may result. The article would not be effective for the purposes represented, suggested, and implied.

*Cal-O-Min Jr. tablets.* Misbranding, Section 502 (a), certain statements on the vial label and on a display card entitled "Cal-O-Min Jr.," enclosed in the box and on the wrapper around the box, were false and misleading. These statements represented and suggested that the article was an adequate and effective treatment for indigestion and nervousness, and that it would be effective to enable the users to enjoy meals and to improve their health. The articles would not be effective for those purposes.

The *Cal-O-Min Jr. tablets* were alleged also to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: February 18, 1952. Default decree of condemnation and destruction.

3678. Misbranding of Lipitrons capsules. (F. D. C. No. 31988. Sample No. 15706-L.)

LIBEL FILED: November 6, 1951, District of Kansas.

ALLEGED SHIPMENT: On or about September 20 and October 4, 1951, by Vitamin Industries, Inc., from Omaha, Nebr.

PRODUCT: 48 100-capsules bottles of *Lipitrons capsules*, together with a poster entitled "If You Are Over 35" and a newspaper tear sheet beginning with the phrase "If You Are More Than 35 Years Old," at Topeka, Kans.

LABEL, IN PART: (Bottle) "Guardian 100 Caplets Lipitrons High Potency Lipotropic Formula Each Caplet Contains: Vitamin B<sub>1</sub> 15 mgm. Vitamin B<sub>2</sub> 6 Mgm. Vitamin C 50 mgm. Niacinamide 30 mgm. Calcium Pantothenate 3 mgm. Vitamin B<sub>6</sub> 0.5 mgm. Desiccated Whole Liver 175 mgm. Dried De-bittered Yeast 175 mgm. Choline Dihydrogen Citrate 20 mgm. Inositol 20 mgm. dl-Methionine 20 mgm. Iron as Ferrous Gluconate 30 mgm. Folic Acid 0.1 mgm. Vitamin B<sub>12</sub> (oral Conc.) 3 mcg."

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statement "High Potency Lipotropic Formula" was false and misleading, and the label statement "Each Caplet Contains \* \* \* Choline Dihydrogen Citrate 20 mgm. Inositol 20 mgm. dl-Methionine 20 mgm." was misleading as applied to the product, which did not possess significant lipotropic properties, and which when used as directed, provided inconsequential amounts of inositol, choline, and dl-methionine.

Further misbranding, Section 502 (a), certain statements in the poster entitled "If You Are Over 35" were false and misleading. These statements represented and suggested that the product would be effective to relieve that "growing old feeling" and to help one to enjoy life, whereas it was not effective for the purposes stated.

The libel alleged further that the article was misbranded under Section 502 (a) while held for sale after shipment in interstate commerce since the following statements in the newspaper tear sheet were false and misleading: "If You Are More Than 35 Years Old If you are getting that 'Growing Old' Feeling Science Has Now Found How To Fight That Feeling of 'Growing Old' Lipitrons For You if You Feel Tired and Weak and Run-Down! For You to

Help You Recapture Lost Vitality and Strength! For You to Combat Nervousness, Lack of Vigor and Energy! \* \* \* Lipitron Is a True 'Geriatric' Formula Lipitron contains in each caplet important amounts of Inositol, Choline and dl-Methionine, the lipotropic factors \* \* \* the factors so tremendously concerned in the new field of 'Geriatrics' . . . the science of treatment of advancing age. To Help You Enjoy Life Again! Lipitrons attack true basic causes of the Tired Feeling. Poor Appetite, Loss of Weight and Strength, Insomnia or Sleeplessness, and other symptomatic conditions of deficiencies in your nutritional intake that may be directly responsible for your condition. Yet, you too, can really begin to Enjoy Life Again. Here is What Lipitrons Do For You If You are now past your youth . . . if you have been blaming your tired, weak feeling on 'just getting old' . . . you are not taking advantage of the near miraculous benefits that vitamin and nutrition science has developed to help you. In the Vitamin field, Vitamin scientists have achieved new heights in formulation. Lipitron is designed specifically to help you overcome the deficiencies that help drag you down and down. Thousands have found thrilling new hope when the signs of advancing age were due to lack of Thiamin, Riboflavin, Niacinamide and Vitamin C in their systems. They've discovered a whole new world of buoyant energy, vitality and strength by relieving and overcoming the basic causes of their nutritional deficiencies \* \* \* Start Today! Know The Joy of Feeling Your 'Level Best.'" The product was not effective for the purposes stated, and, when used as directed, it would not supply important amounts of inositol, choline, and dl-methionine.

DISPOSITION: January 14, 1952. Default decree of condemnation and destruction.

**3679. Misbranding of maté, toasted maté, and Herva-Maté. U. S. v. 17 Cases, etc. (F. D. C. No. 31352. Sample Nos. 9033-L, 9034-L.)**

**LABEL FILED:** On or about July 24, 1951, Eastern District of Wisconsin.

**ALLEGED SHIPMENT:** On or about October 9, 1948, by the National Matte Institute of Brazil, from New York, N. Y.

**PRODUCT:** 17 50-pound cases of *maté*, 2 50-pound cases of *toasted maté*, and 56 8-ounce packages of *Herve-Maté* at Appleton, Wis., in possession of Merritt R. Miller & Sons Co. In addition, a number of folders bearing on the front panel a picture of Indians, a slain leopard, and a small tree, and one folder headed "National Matte Institute of Brazil," had been shipped by the National Matte Institute of Brazil, from New York, N. Y., on or about October 19, 1948.

**RESULTS OF INVESTIGATION:** The 56 packages of the product had been repacked by the consignee from the 17-case lot and labeled, in part, "Herva-Maté." The consignee had on hand 3,000 labels intended for use in repackaging the article, 100 envelopes, 5,000 folders entitled "The Message of Maté," 1,000 circular letters headed "Merritt R. Miller" and addressed to "Dear Friend," a number of leaflets entitled "Keep Well with Herva Maté," and a number of circulars headed "A Proposition Where You Do Not Beg Nor Coax for Orders," all of which labeling contained statements relating to the articles.

**LABEL, IN PART:** (17 cases) "Instituto Nacional Do Mate Merritt R. Miller & Sons Co. Appleton, Wisconsin"; (2 cases) "Product of Standard Black Matte Tea Toasted Matte Merritt R. Miller & Sons Co. Appleton, Wisconsin"; (folder headed "National Matte Institute of Brazil") "per 100 grams \* \* \* Vitamin A 1800 I. U. (mostly as beta-carotene) Vitamin B<sub>1</sub> 57 I. U. Vitamin