

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 B₁ 57 I. U. Vitamin

B₂ (G) 62 gamma riboflavin (24 Sherman-Bourquin Units) Vitamin C 135 I. U."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the folder headed "National Matte Institute of Brazil," relating to the products labeled "maté" and "toasted maté," were false and misleading. These statements represented and suggested that the articles were effective to restore health, to maintain health, and to restore exhausted energies and the strength of youth; that they were tonics; that they would have no harmful reactions; that they would enable one to do a wonderful amount of work on little food; that they would facilitate digestion without disturbing the sleep; that they would help the functioning of the intestines and kidneys; and that when used as directed, the articles would supply significant amounts of vitamins A, B₁, B₂ (G), and C. The articles were not effective for the purposes stated and implied; they were not capable of fulfilling the promises of benefit made for them; and when used as directed, they would not supply significant amounts of vitamins A, B₁, B₂ (G), and C. The *maté* and the *toasted maté* were misbranded in the above respects when introduced into and while in interstate commerce.

The articles, including the portion labeled "Herva-Maté," were misbranded under Section 502 (a), in that certain statements in the labeling, namely, the package label, the sample envelopes, the folders entitled "The Message of Maté," the circular letters headed "Merritt R. Miller," the leaflets entitled "Keep Well with Herva Maté," and the circulars headed "A Proposition Where You Do Not Beg Nor Coax for Orders," were false and misleading. These statements represented and suggested that the articles were effective for health and vigor; that they were effective to overcome nervousness; that they were effective to induce sound, refreshing sleep; that they were good for the digestion; that they would avert hunger pangs; that they would be effective in weight reduction; that they would supply vigor and endurance; that they would supply many minerals vital to the body, and three important vitamins; that they would be of value in the treatment of nervousness, digestive difficulties, sleeplessness, run-down condition, loss of vigor, etc.; that they would prevent hunger sensation or discomfort when used instead of food; that they would make a healthful beverage; that they would be useful in correcting bodily weakness and maintaining bodily vigor; that they would give ruggedness; that they would sustain one in long rides under summer sun and in winter cold; that they would keep the kidneys healthy, the liver regular, and the stomach "at peace"; that they would tend to prevent kidney and liver ailments; that they would cause stomach complaints due to overloading to disappear; that they would still the pangs of hunger; that they would serve fleshy people as a food substitute; that they would be effective in digestive ailments; that they would be beneficial in those cases in which tea and coffee might be harmful; that they would be directly helpful in digestion and to help tone up suffering organs; that they would keep organs that are in good condition in health; that their chlorophyll content would act as a tonic; that they would supply albumen and glycol; that they would cause one who is feeling downcast all the time, has backaches, worries about the future, does not sleep well, is "nervous as a cat," whose digestion is out of shape, to feel better, and if their use is continued, they would effect a cure; that they would enable a half person to be a person plus; that they would be effective for underweight; that they would supply digestive stimulation; that they would induce the digestion of the more nourishing foods; that they would increase bodily vigor; that they would help the body help itself; that they would be

effective in the relief of those who are suffering from our common ailments; that they would improve health and give one ability to eat almost everything without distress; that they would effect all around health improvement; that they would enable one to keep well; that they would supply good health to the sick, vigor to the weak, and slimness to the stout, add joy to life, and make natural beauty; that they would build resistance against colds; that they would benefit those afflicted with stomach, kidney, and liver complaints; that they would keep an 85-year-old person well and hearty; that they would give relief from nervousness and enable one to sleep soundly; that they would nullify over-indulgence in any form and afford healing; that they would enable one to live several days without solid food; that they would act directly on the muscles without affecting the nerve centers; that they would act as a brain tonic; that they would give force and energy and constitute a reservoir of vitality; that they belong in the first rank of economic foods, because they are digestive, stimulating assimilation, and have a laxative, sudorific action; that they would be effective for weak people; that they do not act strongly on the nerves but soothe and quiet them; that they leave no disagreeable aftereffects; that they do not cause insomnia; that they are useful for those who suffer from debility or neurasthenia; that they would preserve beauty; that they had restorative qualities; that they would strengthen the body, brain, and nerves; that they would enable one to gain or regain grand abounding health; that three out of every five adults need the article; that they confer upon all great benefit; that in certain illnesses and body conditions, they bring sure relief; and that they are a first-grade nutrient. The articles were misbranded in the latter respects while held for sale after shipment in interstate commerce.

DISPOSITION: January 29, 1952. Default decree of condemnation and destruction.

3680. Misbranding of Fenco Sinus Relief. U. S. v. 6 Cartons * * *. (F. D. C. No. 30358. Sample No. 48833-K.)

LIBEL FILED: December 29, 1950, Middle District of Pennsylvania.

ALLEGED SHIPMENT: On or about June 20, 1950, by the United Chemical Co., from Newark, N. J.

PRODUCT: 6 cartons, each containing 18 4-ounce packages, of *Fenco Sinus Relief* at Wilkes-Barre, Pa.

LABEL, IN PART: (Package) "Fenco Sinus Relief Containing Sodium Bicarbonate, Sodium Chloride, Sodium Borate, Zinc Sulfate, Menthol, Eucalyptol and Flavoring."

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements in the labeling of the article were false and misleading since the article was not effective in the treatment of the conditions and diseases stated and implied and was not capable of fulfilling the promises of benefit described: (Package label) "Sinus Relief * * * Individuals with sinus trouble continue to have discomfort so long as the infected material is not draining. This disturbance is usually relieved by using Fenco as directed. In severe cases use Fenco six or eight times a day until results have been obtained. Do not be alarmed if you feel a slight burning sensation when first using Fenco. This is due to inflammation and will disappear after a few applications" and (leaflet enclosed in each package) "Sinus Relief * * * Very often when your nose is stopped up, the infection backs through these openings into the sinuses. Then