

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the labeling of the article, namely, the box label and the display card entitled "Better Than Penicillin" which was shipped with the article, contained statements which were false and misleading. The statements represented and suggested that the article was an adequate and effective treatment for sore throat and minor throat and mouth infections, and that it was better than penicillin. The article was not an adequate and effective treatment for sore throat and minor throat and mouth infections, and it was not better than penicillin.

**DISPOSITION:** March 10, 1952. Default decree of condemnation and destruction.

**3695. Misbranding of multivitamin capsules. U. S. v. 10,000 Capsules, etc.**  
(F. D. C. No. 32509. Sample No. 32967-L.)

**LABEL FILED:** February 13, 1952, Northern District of Illinois.

**ALLEGED SHIPMENT:** On or about January 11, 1952, from Detroit, Mich.

**PRODUCT:** 10,000 capsules in bulk and 73 bottles, each bottle containing 100 capsules, of *multivitamin capsules* in possession of Dr. Tark's Vitamins, Oak Park, Ill.

**RESULTS OF INVESTIGATION:** The article had been shipped in bulk, and the portion in the bottles had been repacked from the bulk shipment and relabeled by the consignee. A number of circulars entitled "With Thread Alone, You Cannot Sew," which had been printed locally, were in possession of Dr. Tark's Vitamins, the consignee.

**LABEL, IN PART:** (Bottle) "Dr. Tark's Vitamins One Capsule Daily Provides Vitamin A (Fish Liver Oil 5000 units, Vitamin D Irradiated Ergosterol) 1000 units, Vitamin B-1 (Thiamin Chloride) 2.5 mg., Vitamin B-2 (Riboflavin) 2.5 mg., Vitamin B-6 (Pyridoxine Hydrochloride) 0.5 mg., Vitamin C (Ascorbic Acid) 40. mg., Niacinamide 20. mg., Calcium Pantothenate 5. mg. Vitamin E (d-alpha tocopherol acetate) 2. I. U., Folic Acid 0.5 mg., Vitamin B-12 USP 1. mcg."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), the above-referenced circular accompanying the article contained statements which were false and misleading. These statements represented and suggested that the article was effective in the prevention and treatment of neuritis, arthritis, rheumatism, caries of teeth, pyorrhea, common colds, listlessness, sleeplessness, nervousness, goiter, high blood pressure, heart disease, anemia, and hardening of the arteries, and that the article would help the blood stream remove calcium salts from the body, thereby relieving or preventing inflammatory rheumatism, stiff joints, and body aches and pains. The article was not effective in the prevention and treatment of the conditions stated and implied, and it was not capable of fulfilling the promises of benefit made for it. The article was misbranded while held for sale after shipment in interstate commerce.

**DISPOSITION:** April 10, 1952. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for the consumption of the inmates, but not for sale.

**3696. Misbranding of Gum-Tone. U. S. v. 26 Cartons \* \* \*. (F. D. C. No. 32343. Sample No. 35270-L.)**

**LABEL FILED:** January 3, 1952, District of North Dakota.

**ALLEGED SHIPMENT:** On or about September 12, 1951, from Hastings, Nebr., by Gum-Tone, Inc.