

Further misbranding, Section 502 (b) (1), the label of the article failed to bear the name and place of business of the manufacturer, packer, or distributor, since the name and address appearing on the label of the repackaged article, namely, "Bloom Drug Store, New Kensington, Pa.," were not those of the manufacturer and were not qualified by phraseology that revealed the connection which Bloom Drug Store had with the article; and Section 502 (e) (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each active ingredient and the quantity of belladonna alkaloids contained in the article.

Further misbranding, Section 502 (f) (2), the labeling failed to bear adequate warnings against use of the article in those pathological conditions where its use may be dangerous to health, and against unsafe duration of administration, since its labeling failed to bear a warning against use when there is abdominal pain, nausea, vomiting, or other symptoms of appendicitis; the labeling failed to bear a warning to the effect that frequent or continued use, or use in accordance with the directions appearing upon the label, namely, "If one is taken each night or one every other night as indicated," may result in establishing dependence upon laxatives to move the bowels; and the labeling failed to bear a warning to the effect that if a skin rash appeared, use of the article should be discontinued.

The article was misbranded in the above respects while held for sale after shipment in interstate commerce.

DISPOSITION: November 24, 1952. Default decree of condemnation and destruction.

4027. Misbranding of Mer-I-Col iron tonic. U. S. v. 60 Bottles, etc. (F. D. C. No. 33219. Sample No. 2295-L.)

LIBEL FILED: April 28, 1952, Southern District of Georgia.

ALLEGED SHIPMENT: On or about March 12, 1952, by the National Mer-I-Col Sales Co., from Columbus, Ohio.

PRODUCT: 60 1-pint bottles and 58 8-ounce bottles of *Mer-I-Col iron tonic* at Savannah, Ga.

RESULTS OF INVESTIGATION: In the March 14 and 21, 1952, issues of a newspaper circulated in the Savannah area, there appeared advertisements for the product. These advertisements were printed on instructions of, and from mats furnished by the National Mer-I-Col Sales Co.

LABEL, IN PART: "Mer-I-Col Iron Tonic Active Ingredients Iron and Ammonium Citrates, Gentian Root, Thiamine Hydrochloride and a trace of Copper Sulfate (Iron Catalyst). Directions One tablespoonful before each meal, three times a day."

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use in the treatment of rheumatism, arthritis, neuritis, stomach ailments, weak kidneys, rheumatic pains, headaches, acids, toxins, bloating, weak back, lumbago, leg pains, lack of vitality and energy, poor appetite, nervousness, underweight, dizzy spells, indigestion, stomach gas, dyspepsia, intense pain in the stomach and chest, wild heart palpitation, fire-like feeling from the throat to the pit of the stomach, loss of weight, tissue, and strength, sour stomach, cramps, spitting up bits of half-digested food and hot, sour liquid, biliousness, sick headaches that last for

days, constipation, yellowish complexion, painful, heavy, bloated feeling in the lower stomach, worn-out feeling, sleeplessness, neuralgia, sharp pain over the kidneys, aching back, stiffness in the back and lower limbs, frequent rising at night, spots before the eyes, swelling of the ankles, feet, and lower limbs, puffs or dark circles under the eyes, atomic constipation, and spastic constipation, which were the conditions for which the article was intended. The article was misbranded in the above respect when introduced into and while in interstate commerce.

Further misbranding, Section 502 (a), the labeling of the article, namely, clippings of a newspaper advertisement which accompanied the article, contained certain false and misleading statements. These statements represented and suggested that the article was an effective treatment for rheumatism, arthritis, neuritis, stomach ailments, weak kidneys, rheumatic pains, headaches, acids, toxins, bloating, weak back, lumbago, leg pains, lack of vitality and energy, poor appetite, nervousness, underweight, dizzy spells, indigestion, stomach gas, dyspepsia, intense pain in the stomach and chest, wild heart palpitation, fire-like feeling from the throat to the pit of the stomach, loss of weight, tissue, and strength, sour stomach, cramps, spitting up bits of half-digested food and hot, sour liquid, biliousness, sick headaches that last for days, constipation, yellowish complexion, painful, heavy, bloated feeling in the lower stomach, worn-out feeling, sleeplessness, neuralgia, sharp pain over the kidneys, aching back, stiffness in the back and lower limbs, frequent rising at night, spots before the eyes, swelling of the ankles, feet, and lower limbs, puffs or dark circles under the eyes, atomic constipation, and spastic constipation. The article was not an effective treatment for such conditions. The article was misbranded in this respect while held for sale after shipment in interstate commerce.

DISPOSITION: June 17, 1952. Default decree of condemnation and destruction.

4028. Misbranding of Super Lipitrons vitamin and iron capsules. U. S. v. 28 Cases, etc. (F. D. C. No. 33566. Sample Nos. 15246-L, 15247-L.)

LIBEL FILED: September 5, 1952, District of Nebraska.

ALLEGED SHIPMENT: On or about November 1, 1951, from Detroit, Mich.

PRODUCT: *Super Lipitrons vitamin and iron capsules.* 28 cases, each containing 12,000 capsules in bulk, and an unknown number of 100-capsule bottles and 250-capsule bottles of the product and a number of loose labels, in the possession of Vitamin Industries, Inc., at Omaha, Nebr.; in addition, 101 100-capsule bottles and 25 250-capsule bottles of the product were at Omaha, Nebr., in the possession of Vitamin Stores, Inc.

RESULTS OF INVESTIGATION: The product was shipped in bulk, and after arrival at Omaha, a number of capsules were repackaged by Vitamin Industries, Inc., into 100-capsule and 250-capsule bottles bearing the Super Lipitrons label.

In advertisements in an Omaha newspaper, there appeared, on July 13 and August 3, 1952, over the name and address of Vitamin Stores, Inc., at Omaha, statements in which "Lipitrons" capsules were offered to provide extra vigor and extra energy for persons over 35, and for those who are suffering from tiredness, weakness, and nervousness, or for those who are lacking in strength and vigor, because of deficiencies of vitamins B₁ and B₂, iron, and vitamin C, and for those who are now past their youth and have been blaming their tired, weak feeling on "just getting old"; to overcome deficiencies that help drag one