

The article was alleged to be adulterated in that its strength differed from and its quality fell below that which it was represented to possess. It was alleged to be misbranded in that the following statement was false since it was incorrect: "400 Units Vitamin D Per Gram A O A C."

The article was also alleged to be adulterated and misbranded in violation of the provisions of the law applicable to foods reported in F. N. J. No. 2156.

On July 3, 1941, the Gorton Pew Fisheries Co., Gloucester, Mass., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

480. Adulteration and misbranding of cod-liver oil concentrate. U. S. v. 1¼ 420-Pound Drums of Five X Concentrate. Default decree of condemnation and destruction. (F. D. C. No. 3478. Sample No. 34377-E.)

This product contained less than 300 A. O. A. C. chick units of vitamin D per gram; whereas its label represented that it contained not less than 425 A. O. A. C. chick units of vitamin D per gram.

On December 4, 1940, the United States attorney for the District of New Jersey filed a libel against 1¼ 420-pound drums of cod-liver oil concentrate at Plainfield, N. J., alleging that the article had been shipped in interstate commerce on or about September 9, 1940, by the Whitmoyer Laboratories, Inc., from Myerstown, Pa.; and charging that it was adulterated and misbranded. The article was labeled in part: "Whitmoyer Quality Five X Concentrate."

The article was alleged to be adulterated in that its strength differed from and its quality fell below that which it was represented to possess. It was alleged to be misbranded in that the statement on the label, "Five X Concentrate is guaranteed to contain not less than 425 A. O. A. C units vitamin D per gram," was false and misleading since it was incorrect.

The article was also alleged to be adulterated and misbranded under the provisions of the law applicable to foods, as reported in F. N. J. No. 2647.

On June 2, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

481. Adulteration and misbranding of fortified cod-liver oil. U. S. v. Seaboard Supply Co., Inc. Plea of nolo contendere. Fine, \$150. (F. D. C. No. 2890. Sample Nos. 1236-E, 14209-E, 78465-D.)

This veterinary product was found to be deficient in both vitamin D and vitamin A.

On January 8, 1941, the United States attorney for the Eastern District of Pennsylvania filed an information against Seaboard Supply Co., Inc., a corporation, Philadelphia, Pa., alleging shipment within the period from on or about January 2 to on or about March 28, 1940, from the State of Pennsylvania into the States of West Virginia and Delaware of quantities of fortified cod-liver oil that was adulterated and misbranded. The article was labeled in part: "50 Lbs. Net Sea-Clo-400-D Highly Fortified Cod Liver Oil In Dry Base."

It was alleged to be adulterated in that its strength differed from, or its quality fell below, that which it purported or was represented to possess since it was represented to contain 400 units of vitamin D per gram, and approximately 1,000 units of vitamin A per gram; whereas it contained less than 400 units of vitamin D per gram, namely, less than 200 units of vitamin D per gram, and materially less than 1,000 units of vitamin A per gram, namely, not more than 500 units of vitamin A per gram.

It was alleged to be misbranded in that the statements, "In place of each 4¾ lbs. straight 85-D Oil use 1 lb. Sea-Clo-400-D. In place of each 1 lb. Fortified 400-D Oil use 1 lb. Sea-Clo-400-D. For each 5 pints 85-D Oil used, replace with 1 lb. Sea-Clo-400-D," and "Guaranteed to contain 400 A. O. A. C. units of Vitamin D. per gram. When this product is packed it contains more than 1,000 units of Vitamin 'A' per gram, but due to a difference of opinion of our many authorities regarding the stability of Vitamin 'A' from Cod Liver Oil when added to feeds, we are making no claim for it," appearing in the labeling, were false and misleading since it contained less than 400 units of vitamin D per gram and contained materially less than 1,000 units of vitamin A per gram, and 1 pound of the article would not be equivalent in feeding value or as a source of vitamin D and vitamin A to 4¾ pounds of straight 85-D cod liver oil, or 1 pound of fortified 400-D cod liver oil or 5 pints of 85-D cod liver oil.