567. Adulteration and misbranding of Adiron. U. S. v. 20 Bottles, 16 Bottles, and 600 Sample Packages of Adiron. Default decree of condemnation and destruction. (F. D. C. No. 4252. Sample Nos. 60557–E, 60558–E.)

On April 9, 1941, the United States attorney for the Eastern District of Washington filed a libel against 20 bottles each containing 60 tablets, 16 bottles each containing 250 tablets, and 600 sample packages of Adiron at Spokane, Wash., alleging that the article had been shipped in interstate commerce on or about February 5 and March 7, 1941, from Chicago, Ill., by the Lawrence Laboratories; and charging that it was adulterated and misbranded.

Analysis of a sample of the article showed that it contained on iron compound equivalent to approximately 0.7 grain of metallic iron per tablet. Spectrophotometric examination of a sample showed that it contained 67 U. S. P. units of vitamin A per tablet.

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, namely, 1,200 U. S. P. XI units of vitamin A per tablet.

It was alleged to be misbranded (1) in that the statement appearing on the label, "Adiron * * * Tablets, each contain * * * 1200 U. S. P. XI Units Vitamin 'A,'" was false; (2) in that the following statements appearing in the labeling, "Adiron is guaranteed to carry these minimum potencies per average tablets: 1,200 USP XI Units Vitamin 'A,'" and "This core is the concentrate of the vitamins, equivalent in vitamins 'A' and 'D' to one-half teaspoonful of fresh U. S. P. Standard cod liver oil," were false when applied to an article which contained only 67 U. S. P. units of vitamin A per tablet; and (3) in that statements, designs, and devices in the labeling which represented that it would be efficacious in the treatment of nutritional (secondary) anemia, that it would make new blood and improve and maintain the health, were false and misleading since it could not be relied upon to produce the effects claimed.

It was also alleged to be adulterated and misbranded in violation of the provisions of the law applicable to foods, as reported in F. N. J. No. 2986.

On May 26, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

568. Adulteration and misbranding of DPS Formula No. 54. U. S. v. 35 Bottles of DPS Formula No. 54. Default decree of condemnation and destruction. (F. D. C. No. 6025. Sample No. 61376–E.)

Examination of this product showed that it was approximately 50 percent deficient in vitamins A, C, and D.

On October 21, 1941, the United States attorney for the District of Oregon filed a libel against 35 bottles, each containing 80 DPS Formula No. 54 tablets, alleging that the article had been shipped on or about July 7 and August 20, 1941, by Dartell Laboratories from Los Angeles, Calif.; and charging that it was adulterated and misbranded.

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, namely, "1,000 International Units of vitamin A, 700 U. S. P. XI units of vitamin D, and 100 International Units of vitamin C."

It was alleged to be misbranded: (1) In that statements appearing on the label, "Each Tablet Contains * * * Vitamin D . . . 700 USP XI Units, Vitamin C . . . 100 International Units, Vitamin A . . . 1000 International Units," were false and misleading since it contained less than the stated amounts of vitamins A, C, and D. (2) In that the following words and device appearing on the label, "DPS Formula No. 54," were false and misleading since they referred and related to the statement "DPS Formula No. 54 . . . Indications: Hyperacidity, Nervousness, Low blood calcium, Moist type skin disorders, Pregnancy and lactation, Soft teeth and bone, Respiratory disorders, Asthma, Sinusitis, Tuberculosis," appearing in a certain catalog entitled "Dartell Formulae" distributed by the consignor and in the possession of the consignee, whereby said words and device suggested and represented that the article was an adequate and effective remedy for the conditions enumerated in the catalog; whereas it was not an adequate and effective remedy for such conditions.

It was also alleged to be adulterated and misbranded under the provisions of the law applicable to foods, as reported in F. N. J. No. 2988.

On December 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.