

meter, $\frac{1}{8}$ grain of iron cacodylate, whereas it contained in each cubic centimeter not more than a trace of iron cacodylate.

It was alleged to be misbranded in that the statement in its labeling "1 cc. Represents: * * * Iron Cacodylate * * * $\frac{1}{8}$ gr.," was false and misleading.

On January 13, 1943, the defendant having entered a plea of nolo contendere, the court found the defendant guilty and imposed a fine of \$100.

964. Adulteration and misbranding of wheat germ. U. S. v. The Battle Creek Food Co. Plea of guilty. Total fine, \$600. (F. D. C. No. 8300. Sample Nos. 91743-E, 16873-F, 16874-F.)

On March 23, 1943, the United States attorney for the Eastern District of Michigan filed an information against the Battle Creek Food Co., Battle Creek, Mich., alleging shipment on or about June 1 and 15 and August 28, 1942, from the State of Michigan into the States of New York and Illinois of quantities of wheat germ that was adulterated and misbranded.

Examination of samples of the article showed that it contained not more than 250 U. S. P. units of vitamin B₁ per ounce, which is approximately $\frac{3}{4}$ the minimum daily requirement for an adult.

The article was alleged to be adulterated in that its strength differed from that which it was represented to possess, 500 U. S. P. units of vitamin B₁ per ounce.

It was alleged to be misbranded in that the statement in its labeling "One ounce (approx. $\frac{1}{8}$ cup) of Battle Creek Wheat Germ supplies 500 U. S. P. units of vitamin B₁ (Thiamin), ($1\frac{1}{2}$ times the minimum daily requirement for an adult)," was false and misleading since the article did not contain 500 U. S. P. units of vitamin B₁ per ounce, and 1 ounce of the article would not furnish $1\frac{1}{2}$ times the minimum daily requirement of vitamin B₁ for an adult, but would furnish only half that amount.

The article was alleged to be misbranded further in that the statement, "Wheat Germ fills a much needed place in the modern diet which is apt to be deficient in Thiamin (vitamin B₁) and Riboflavin (vitamin G) * * * Battle Creek Wheat Germ presents * * * economical source of these important vitamins," borne on its label, was misleading since the statement created in the mind of the reader the impression that all modern diets were apt to be deficient in thiamin and riboflavin, and that all modern diets should be supplemented by wheat germ or substances containing thiamin and riboflavin, and that wheat germ is an economical and satisfactory source of riboflavin, whereas thiamin and riboflavin are present in a wide variety of ordinary foods and are present in many ordinary diets in adequate amounts, and all diets do not ordinarily require wheat germ to supplement the need for such vitamins and, in those instances where the dietary intake of riboflavin is inadequate, wheat germ does not provide an economical or satisfactory source of riboflavin.

It was alleged to be misbranded further in that the statement, "Vitamin B₁ tends to make steady nerves, improves appetite, aids digestion and combats constipation. Vitamin G promotes good nutrition; both vitamins help to build vital resistance," borne on its label, was misleading since the statement suggested and created in the mind of the reader the impression and belief that unsteady nerves, poor appetite, poor digestion, constipation, poor nutrition, and low vital resistance are frequently caused by lack of thiamin and riboflavin, and that the reader might reasonably expect that the article would be efficacious to steady the nerves, improve the appetite, aid digestion, combat constipation, promote good nutrition, and build vital resistance, whereas such conditions usually result from causes other than lack of thiamin and riboflavin and the reader might not reasonably expect that the article would be efficacious to correct them since it would rarely be efficacious for such purposes.

The article was also alleged to be adulterated and misbranded under the provisions of the law applicable to foods as reported in the notices of judgment on foods.

On April 7, 1943, the defendant entered a plea of guilty and the court imposed a fine of \$100 on each of the 6 counts, a total of \$600.

965. Adulteration and misbranding of amino acids parenteral. U. S. v. 113 $\frac{1}{2}$ Dozen of Amino Acids Parenteral Stearns. Decree of destruction. (F. D. C. No. 8643. Sample No. 2734-F.)

This product was represented in its labeling as a 15-percent solution of amino acids derived from the acid hydrolysis of casein fortified with tryptophan, and the

tryptophan content of the product was represented as 1 percent of the total amino acids. Examination showed that the product contained approximately one-third of the amount of tryptophan declared.

On or about October 28, 1942, the United States attorney for the Western District of Missouri filed a libel against 11¾ dozen of the above-named product at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about September 23, 1942, from Detroit, Mich., by Frederick Stearns and Co.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that its strength differed from that which it was represented to possess on its label, "Amino Acids, 15 percent solution, Tryptophane 1% of Amino Acids."

It was alleged to be misbranded in that the statements appearing in its labeling, (carton) "Amino Acids * * * 15 percent solution * * * Tryptophane 1.0% of Amino Acids," (circular inside carton) "Each batch of Amino Acid Stearns is standardized according to the following average analysis Tryptophane added (1% total Amino Acids) 1%," were false and misleading since the article did not contain the amount of tryptophan stated.

On January 26, 1943, no claimant having appeared, judgment was entered ordering that the product be destroyed.

966. Adulteration and misbranding of collodion. U. S. v. 10 cartons and 1,500 Bottles of Collodion. Decrees of condemnation and destruction. (F. D. C. No. 8247, 8858. Sample No. 77-F, 25102-F, 25119-F.)

On August 27 and November 12, 1942, the United States attorneys for the Northern District of Illinois and the Eastern District of Virginia filed libels against 1,500 bottles of collodion at Chicago, Ill., and 10 cartons, each containing 250 1-ounce bottles, of collodion at Richmond, Va., alleging that the article had been shipped within the period from on or about June 11 to September 5, 1942, from New York, N. Y., by the Conray Products Co.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a mixture containing the ester, amyl acetate, had been substituted for collodion U. S. P.

It was alleged to be misbranded in that the statement on its label "Collodion U. S. P." was false and misleading since the article did not have the composition specified by the United States Pharmacopoeia for collodion.

On December 5, 1942, and January 6, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

967. Adulteration and misbranding of iron compound and yeast tablets. U. S. v. 4 Drums of Iron Compound and Yeast Tablets. Default decree of condemnation and destruction. (F. D. C. No. 8307. Sample No. 4811-F.)

On September 2, 1942, the United States attorney for the Northern District of Ohio filed a libel against 4 drums, each containing approximately 47,300 of the above-named tablets at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about February 14, 1942, by the Keith Victor Pharmacal Co., St. Louis, Mo.; 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.

It was alleged to be misbranded in that the following statements on its label, "Each tablet contains B₁ (Thiamin Chloride) 50 International Units B₂ (Riboflavin) 25 Gamma," were false as applied to an article that contained not more than 25 International Units of vitamin B₁ per tablet, and not more than 15 gamma of riboflavin.

The article was also alleged to be adulterated and misbranded under the provisions of law applicable to foods as reported in notices of judgment on foods.

On October 16, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

968. Adulteration and misbranding of DPS Formula 50. U. S. v. 120 Bottles of DPS Formula 50. Default decree of condemnation and destruction. (F. D. C. No. 8407. Sample No. 13007-F.)

Examination showed that this product contained 230 micrograms (gammas) of riboflavin per tablet.

On September 26, 1942, the United States attorney for the District of Oregon filed a libel against 120 bottles, each containing 90 tablets, of DPS Formula 50 at