

7196. Adulteration and misbranding of dicalcium phosphate with vitamins B-C-D. U. S. v. Walker Vitamin Products, Inc. Plea of guilty. Fine, \$100. (F. D. C. No. 7321. Sample No. 70638-E.)

INFORMATION FILED: March 30, 1944, Southern District of New York, against the Walker Vitamin Products, Inc., Mt. Vernon, N. Y.

ALLEGED SHIPMENT: On or about January 12, 1942, from the State of New York into the State of Georgia.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, Vitamin D, had been in whole or in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the statement on the label of the article, "In Each Capsule * * * Vitamin D (Natural) 330 I. U.," was false and misleading since each capsule of the article contained not more than 165 International Units of vitamin D.

The article was also alleged to be adulterated and misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1207.

DISPOSITION: April 12, 1944. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100.

7197. Misbranding of dietetic macaroni. U. S. v. 12 Cases of Macaroni. Default decree of condemnation and destruction. (F. D. C. No. 12768. Sample No. 50297-F.)

LABEL FILED: June 27, 1944, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about March 29 and April 21, 1944, by Buitoni Products, Inc., from New York, N. Y.

PRODUCT: 12 cases, each containing 24 4-ounce packages, of macaroni at Pittsburgh, Pa.

Analysis showed that the article consisted of wheat flour, soy flour, wheat germ, a milk product, added vitamin B₁, and iron, and contained substantially more carbohydrates than the 38.70 percent indicated in the labeling. The macaroni was wrapped in paper and placed in packages which were the same size as packages used to hold 8 ounces of macaroni. The macaroni occupied less than half the volume of the packages.

LABEL, IN PART: "Buitoni * * * 40% Protein Special Dietetic Macaroni."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "24—8 oz. Packages," which appeared on the cartons containing the packages, was false and misleading since the cartons contained 24 4-ounce packages; and the following statements which appeared on the packages containing the article were misleading: "Ingredients: Wheat Protein (Gluten), Soy Protein, Milk Protein, Wheat Germ, Vitamin B-1, Iron," since the article did not consist of the three proteins listed together with wheat germ, vitamin B₁, and iron, but contained other ingredients; "Approximate Analysis * * * Carbohydrates 38.70%," since the product contained substantially more carbohydrates; "In this exceptionally nutritious product Wheat and Soy Proteins have been enriched with the Protein of the Milk, thus obtaining a biologically complete equivalent to Meat Protein," since the article was not a mixture of proteins, did not provide the nutritional values of meat, and was not of particular importance by reason of the combination of proteins it contained because it is not necessary that any one food in the ordinary mixed diet provide a biologically complete protein; "Due to its very low carbohydrates content, this product is especially recommended in Starch and Sugar restricted diets," since it contained a substantial amount of carbohydrates; "Each 4 oz. of Buitoni Dietetic Macaroni provides approximately $\frac{2}{3}$ minimum daily requirement of Protein," since this declaration exaggerated the quantity of protein provided by the product (4 ounces of macaroni is not the amount that would be customarily or usually consumed in a period of 1 day by an average individual, and no definite "protein requirement" for man has been established); "Comparative Protein Analysis Buitoni Dietetic Macaroni 40% * * * Meat 14 to 18% * * * Bread 9 to 10% Potatoes 2 to 3%," since the protein content of the article was substantially reduced when prepared for eating by reason of added water, which is not the case with meat, bread, and potatoes.

Further misbranding, Section 403 (d), the container was so filled as to be misleading since the macaroni occupied less than half the volume of the package; and, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by man by reason of its vitamin B₁ and mineral content (including phosphorus, calcium, and potassium), and its label failed to bear,