

lose vitamin potency. Further misbranding, Section 403 (a), the label statement, "Each Tablet Provides * * * Iron 6.8 mg.," was false and misleading since each tablet of the article would provide not more than 1.9 milligrams of iron.

Adulteration of remaining products, Section 402 (b) (1), valuable constituents of the articles had been in part omitted, as follows: The Mont-O-Cee was represented to contain 68 milligrams of iron per tablet, but contained not more than 1.6 milligrams of iron per tablet; the Mont-O-Min was represented to contain 4.5 milligrams of iron per tablet, but contained not more than 2.5 milligrams of iron per tablet; the Mont-O-Plex was represented to contain $\frac{2}{3}$ milligram (666 gammas) of vitamin G (B₂) and 5 milligrams of iron per tablet, but contained not more than $\frac{1}{6}$ milligram (equivalent to not more than 167 gammas) of vitamin G (B₂) and not more than 1.8 milligrams of iron per tablet; and the Minavit No. 1 was represented to contain 365 gammas of iodine per tablet, but contained not more than 52 gammas of iodine per tablet.

DISPOSITION: November 20, 1944. A plea of guilty having been entered, the defendant was fined \$50 on each of 5 counts and sentenced to 9 months in jail. The jail sentence was suspended for 2 years on the condition that there be no further violation of the Food, Drug, and Cosmetic Act by the defendant.

8088. Misbranding of Galen vitamin preparations. U. S. v. Galen Co. Plea of nolo contendere. Fine, \$500. (F. D. C. No. 12561. Sample Nos. 64921-F to 64923-F.)

INFORMATION FILED: November 2, 1944, Northern District of California, against the Galen Co., a corporation, Berkeley, Calif.

ALLEGED SHIPMENT: On or about October 27, 1943, from the State of California into the State of Washington.

LABEL, IN PART: "Galen 'B' One Pint A Completely Soluble Concentrate of the Vitamin 'B' Complex Prepared From Rice Bran," and "Elixir Galen 'B' Fortified One Pint Elixir Vitamin B Complex."

VIOLATIONS CHARGED: Misbranding, Section 403 (j), the Galen "B" Concentrate purported to be and was represented for special dietary uses by man by reason of its vitamin content in respect of vitamin B₁, riboflavin, vitamin B₆, and pantothenic acid, but its label did not bear, as required by the regulations, (1) a statement of the proportion of the minimum daily requirements for vitamin B₁ and riboflavin which would be supplied by the product when consumed in a specified quantity during a period of 1 day, (2) a statement of the quantity of vitamin B₆ and pantothenic acid in a specified quantity of the product, and (3) a statement that the need in human nutrition for vitamin B₆ and pantothenic acid has not been established.

Misbranding, Section 403 (j), the Elixir Galen "B" purported to be and was represented for special dietary uses by man by reason of its vitamin properties in respect of vitamin B₁ and riboflavin, and by reason of its mineral properties in respect of iron and manganese, but its label did not bear, as required by the regulations, a statement of the proportion of the minimum daily requirements for vitamin B₁, riboflavin, and iron which would be supplied by the product when consumed in a specified quantity during a period of 1 day, a statement of the quantity of manganese in a specified quantity of the product, or a statement that the need in human nutrition for manganese has not been established.

DISPOSITION: May 7, 1945. A plea of nolo contendere having been entered, the court imposed a fine of \$250 on each count, a total fine of \$500.

8089. Misbranding of Supplemental Concentrates Formula No. 4 and apple concentrate. U. S. v. Richard B. Summerhays (Dietary Research Laboratories). Plea of nolo contendere. Sentence suspended for 2 years. (F. D. C. No. 12578. Sample Nos. 53826-F, 53827-F.)

INFORMATION FILED: November 24, 1944, Southern District of California, against Richard B. Summerhays, trading as the Dietary Research Laboratories, Los Angeles, Calif.

ALLEGED SHIPMENT: On or about November 4 and 9, 1943, from the State of California into the State of Arizona.

PRODUCT: Analysis of the Supplemental Concentrates Formula No. 4 showed that the product consisted chiefly of vegetable matter including large amounts of alfalfa and wheat, a small amount of kelp, a trace of yeast, a probable trace of rhubarb root, and small amounts of other unidentified vegetable matter,

mixed with a small amount of proteinaceous matter. Analysis of the apple concentrate showed that the product was a concentrated apple juice (about five-fold) containing little, if any, chlorophyll.

LABEL, IN PART: "Supplemental Concentrates Formula No. 4 * * * Distributed by Arizona Clinic * * * Tucson, Arizona," or "Apple Concentrate (Malic Acid)."

VIOLATIONS CHARGED: Supplemental Concentrates Formula No. 4, misbranding, Section 403 (a), the label statement, "The materials for this tablet were selected for their properties of blood regeneration. A healthy blood stream is the first basic requirement of health," were false and misleading since the article would not regenerate the blood and would not establish a healthy blood stream; and, Section 403 (j), the article purported to be and was represented for special dietary uses by man by reason of its vitamin properties, but its label did not bear, as required by the regulations, (1) a statement of the proportion of the minimum daily requirements for vitamins A, B, D, and G which would be supplied by the product when consumed in a specified quantity during a period of 1 day, (2) a statement of the quantity of vitamin E supplied by a quantity of the article customarily or usually consumed during a period of 1 day, or (3) a statement that the need for vitamin E in human nutrition has not been established.

Apple concentrate, misbranding, Section 403 (a), the label statement, "Apple Concentrate (Malic Acid) Processed to retain the life factor of plant animation * * * Chlorophyll," was false and misleading since the article did not consist of malic acid, but consisted essentially of concentrated apple juice; the article had not been processed to retain the life factor of plant animation, since the product did not possess properties which would be of peculiar value in the life processes of man and which are not found in foods of like nature; the article contained little or no chlorophyll; and chlorophyll, if present, would have no nutritional value; and, Section 403 (j), the article purported to be and was represented for special dietary uses by reason of its vitamin and mineral properties, and its label failed to bear a statement of the proportion of the minimum daily requirements for those vitamins and minerals for which minimum daily requirements have been established which would be supplied by the article when consumed in a specified quantity during a period of 1 day; and its label failed to bear a statement of the quantity of those vitamins and minerals for which minimum daily requirements have not been established which would be supplied by the quantity of the article customarily or usually consumed during a period of 1 day.

DISPOSITION: January 27, 1945. A plea of nolo contendere having been entered, sentence was suspended for 2 years, conditioned that the defendant not violate any law of the United States.

8090. Misbranding of Supplemental Concentrates Formula No. 4 and Formulated Foods Formula No. 13. U. S. v. 94 Packages of Formula No. 4 and 52 Packages of Formula No. 13. Default decree of condemnation and destruction. (F. D. C. No. 11447. Sample Nos. 53826-F, 53828-F.)

LABEL FILED: December 22, 1943, District of Arizona.

ALLEGED SHIPMENT: On or about November 9, 1943, by the Dietary Research Laboratories, Los Angeles, Calif.

PRODUCT: 94 packages of Formula No. 4 and 52 packages of Formula No. 13, at Tucson, Ariz. Examination disclosed that Formula No. 4 consisted essentially of alfalfa and wheat, with small amounts of other vegetable material and possibly animal tissue; and that Formula No. 13 consisted essentially of garlic and parsley.

LABEL, IN PART: "Supplemental Concentrates Formula No. 4 20 Vegetable Concentrates Combined with Raw Liver, Heart Muscle and Stomach Lining Vitamins A, B, D, E and G Present in their Natural Form," and "Formula No. 13 Garlic-Parsley."

VIOLATIONS CHARGED: Formula No. 4, misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by man by reason of its content of vitamins A, B, D, E, and G, and its label failed to bear, as required by the regulations, (1) a statement of the quantity of vitamins A, B, D, E, and G in a specified quantity of the article; (2) a statement of the proportion of the minimum daily requirement for vitamins A, B, D and G supplied by the article when consumed in a specific quantity during a