

8797. Adulteration and misbranding of Hi-B Complex Tablets. U. S. v. 1 Can of Vitamin Tablets. Default decree of condemnation and destruction. (F. D. C. No. 15126. Sample No. 74783-F.)

LIBEL FILED: February 3, 1945, District of Oregon.

ALLEGED SHIPMENT: On or about November 6, 1944, by Patten Concentrates, Inc., Burbank, Calif.

PRODUCT: 1 can containing 17,850 vitamin tablets at Portland, Oreg. Examination showed that the article was 66 percent deficient in vitamin B₁.

LABEL, IN PART: (Can) "Hi-B Complex Tablets * * * Each tablet contains: Vitamin B₁, 675 U. S. P. units; Vitamin B₂ (G), 2000 micrograms (2 milligrams); Vitamin B₆, 35 micrograms; pantothenic acid 100 micrograms ($\frac{1}{10}$ of 1 mg.) Nicotinic Acid (Niacin) 3350 micrograms ($3\frac{1}{8}$ mg.)."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B₁, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statement, "Each Tablet Contains: Vitamin B₁, 675 U. S. P. Units," was false and misleading; Section 403 (e) (1), the label failed to bear the name and place of business of the manufacturer, packer, or distributor; 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, B₂, B₆, pantothenic acid, and nicotinic acid content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of vitamins B₁ and B₂ furnished by a specified quantity of the product when consumed during a period of 1 day and the statement that the need for vitamin B₆ and pantothenic acid in human nutrition has not been established.

DISPOSITION: March 5, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8798. Misbranding of Vitamato. U. S. v. 1,046 Cases of Vitamato. Consent decree of condemnation. Product ordered released for relabeling. (F. D. C. No. 12439. Sample No. 29860-F.)

LIBEL FILED: May 31, 1944, District of Hawaii.

ALLEGED SHIPMENT: On or about May 1, 1944, by the Login Corporation, from San Francisco, Calif.

PRODUCT: 1,046 cases, each containing 24 12-ounce bottles, of Vitamato at Honolulu, T. H. This product consisted of finely comminuted tomato material, diluted with water containing added dextrose, salt, and spices, and containing insignificant amounts of vitamins C and B₁.

LABEL, IN PART: "Contains Vitamins A, B & C Enriched with Dextrose [vignette of a tomato] VITAMATO A Delicious Refreshing Cocktail Made From Tomatoes, Water, Dextrose, Salt, Citric Acid and Spices."

NATURE OF CHARGE: Misbranding, Section 403 (a), the vignette of a tomato, the name "Vitamato," and the statements, "A Delicious Refreshing Cocktail Made From Tomatoes * * * Contains Vitamins * * * B & C," appearing on the label, were false and misleading since the statements and design represented and suggested that the article was a tomato juice cocktail, a product generally understood to be tomato juice with added spices, with or without lemon juice, and that it contained nutritionally consequential amounts of vitamins B₁ and C in the amounts normally present in tomato juice or tomato juice cocktail. The article was not tomato juice or tomato juice cocktail, and it contained substantially smaller amounts of vitamins B₁ and C than are present in tomato juice or tomato juice cocktail.

Further misbranding, Section 403 (a), the statement "Enriched with Dextrose" suggested that the nutritional value of the article had been significantly improved by the addition of dextrose, whereas its nutritional value had not been significantly improved.

DISPOSITION: July 1, 1944. Theo. H. Davies & Co., Ltd., Honolulu, T. H., claimant, having admitted that the labeling of the product was false and misleading, judgment of condemnation was entered and the product was ordered released for relabeling under the supervision of the Food and Drug Administration.