

Misbranding, Section 403 (a), (Bagdol) the label statement, "Each tablet contains vitamin B₁ 1½ x M. D. R. 1.5 mg.," was false and misleading since it represented that each tablet of the article contained 1.5 milligrams of vitamin B₁ and would furnish 1½ times the minimum daily requirements for this vitamin, whereas each tablet contained not more than 0.58 milligram of vitamin B₁ and would furnish not more than 58 percent of the minimum daily requirement for vitamin B₁; and (B-Iron) the label statement, "Each tablet contains Vitamin B₁ 1,000 Int. Units * * * 1 tablet furnishes three times the minimum daily requirement of vitamin B₁," was false and misleading since each tablet contained not more than 800 International Units of vitamin B₁ and would furnish not more than 2.40 percent of the minimum daily requirement for this vitamin.

DISPOSITION: December 1, 1945. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100.

9185. Adulteration and misbranding of Vitiliver Capsules. U. S. v. Myron L. Walker Co., Inc. Plea of guilty. Fine, \$500 on count 1; sentence suspended on counts 2, 3, and 4. (F. D. C. No. 15593. Sample Nos. 63385-F, 63910-F.)

INFORMATION FILED: October 2, 1945, Southern District of New York, against the Myron L. Walker Co., Inc., Mount Vernon, N. Y.

ALLEGED SHIPMENT: Between the approximate dates of March 3 and September 21, 1944.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents had been in whole or in part omitted or abstracted from the article since the product in one shipment was represented to contain 0.50 milligram of vitamin B₁ per capsule, but contained not more than 0.24 milligram of vitamin B₁ per capsule; and the product in the other shipment was represented to contain, in each capsule, 100 International Units of vitamin B₁, equivalent to 0.3 milligram of thiamine and 10 Sherman Bourquin Units of vitamin B₂ (riboflavin), but contained not more than 25 International Units of vitamin B₁, equivalent to not more than .069 milligram of thiamine and approximately 2 Sherman Bourquin Units of vitamin B₂ per capsule.

Misbranding, Section 403 (a), the label statements, (portion) "In each capsule * * * Vitamin B₁ (Thiamine Hydrochloride) .50 mg.," and (remainder) "In each capsule * * * Vitamin B₁ (Thiamin 0.3 Mg.) 100 Int. Units Vitamin B₂ (Natural) 10 Sher. Bourq. Units," were false and misleading.

Further misbranding, Section 403 (j), the article purported to be and was represented for special dietary uses by man by reason of its vitamin properties in respect of vitamin B₁, vitamin B₂, vitamin C, vitamin B₆, and all other B complex factors, and by reason of its mineral property in respect of iron, and its label failed to bear, as prescribed by the regulations, a statement of the minimum daily requirements of vitamin B₁, vitamin B₂ (riboflavin), vitamin C, and iron which would be supplied by the article when consumed in a specified quantity during a period of 1 day; and the label did not bear a statement of the quantity of vitamin B₆ and other B complex factors which would be furnished by a specified quantity of the article when consumed during a period of 1 day. Furthermore, the need for vitamin B₆ and factors of the B complex other than vitamin B₁ and vitamin B₂ and niacin not having been established, the label failed to bear, as required by the regulations, the statement that "The need for Vitamin B₆ and factors of the B-complex other than vitamin B₁, B₂ and niacin in human nutrition has not been established.

DISPOSITION: October 11, 1945. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$500 on count 1 and suspended sentence on the other 3 counts.

9186. Misbranding of wheat germ. U. S. v. Ener-G Cereal Corporation. Plea of guilty. Fine, \$25. (F. D. C. No. 15573. Sample No. 74827-H.)

INFORMATION FILED: October 11, 1945, Western District of Washington, against the Ener-G Cereal Corporation, Seattle, Wash.

ALLEGED SHIPMENT: On or about October 10, 1944, from the State of Washington into the State of California.

LABEL, IN PART: "Jolly Joan Analyzed Wheat Germ."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements, "Average amount per oz. (28.4 Grams) or 2 heaping tablespoons Vitamin B₁ (U. S. P. or International Units) 414.8 * * * Niacin * * * (Milligrams) 1.95," were false and misleading since 1 ounce (28.4 grams) or 2 heaping tablespoons of the article contained not more than 250 U. S. P. or International Units of vitamin B₁ and not more than 1.33 milligrams of niacin.

Further misbranding, Section 403 (a), the labeling was misleading since the statement, "Contains Vitamins * * * G & E" represented and suggested that the article, when used as directed or as customarily consumed, would supply an appreciable amount of vitamin G, and that the need for vitamin E in human nutrition has been established; and the labeling failed to reveal the fact, material in the light of the above statement, that the article would supply an inconsequential amount of vitamin G and that the need for vitamin E in human nutrition has not been established.

Further misbranding, Section 403 (j), the article purported to be and was represented for special dietary uses by man by reason of its vitamin properties in respect of vitamin A, vitamin B₁, riboflavin, and vitamin E, and by reason of its mineral properties in respect of iron, calcium, and phosphorus, and its label did not bear a statement, as required by regulations, of the proportion of the minimum daily requirements for vitamin A, vitamin B₁, and riboflavin which would be supplied by the article when consumed in a specified quantity during a period of 1 day, nor a statement of the proportion of the minimum daily requirements for iron, calcium, and phosphorus which would be supplied by the article when consumed in a specified quantity during a period of 1 day. Furthermore, the label failed to bear, as required by the regulations, the statement that "The need for vitamin E in human nutrition has not been established."

DISPOSITION: November 12, 1945. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$25.

9187. Adulteration and misbranding of vitamin capsules. U. S. v. 7 Drums of ABDG Capsules. Default decree of condemnation and destruction. (F. D. C. No. 16434. Sample No. 16227-H.)

LIBEL FILED: June 22, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about March 3, 1945, by the Keith-Victor Pharmacal Co., from St. Louis, Mo.

PRODUCT: 7 drums containing 200,000 vitamin capsules at Chicago, Ill. Examination showed that the product contained not more than 50 percent of the declared amount of vitamin B₁.

LABEL, IN PART: "Sugar Coated Brown ABDG Spheroid Gelatin Capsules."

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

Misbranding, Section 403 (a), the label statement, "Each Spheroid Contains: * * * Vitamin B₁ (Thiamin Chloride USP) 333 I. U. 1 Mg.," was false and misleading.

DISPOSITION: November 6, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

9188. Misbranding of Hi-Lo Vitamin and Mineral Tablets. U. S. v. 41 Bottles of Hi-Lo Vitamin and Mineral Tablets, and a quantity of printed matter. Default decree of condemnation and destruction. (F. D. C. No. 16639. Sample No. 29574-H.)

LIBEL FILED: June 25, 1945, Northern District of California.

ALLEGED SHIPMENT: By Hi-Lo Products, from St. Louis, Mo. The tablets were shipped on or about July 12, 1944, and February 13, 1945, and the printed matter was shipped on or about May 22, 1944.

PRODUCT: 24 32-tablet bottles, 5 100-tablet bottles, and 12 300-tablet bottles of Hi-Lo Vitamin and Mineral Tablets at San Francisco, Calif., together with 4,000 circulars entitled "Why Run Around in Circles Trying to Get All the Vitamins Needed" and a window display poster entitled "Vitamins and Minerals are Foods."

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements in the labeling of the article were false and misleading. The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1791, in which are set forth