

and suggested that the product contained the basic ingredients of ice cream and sherbet, whereas the product contained soy flour, an ingredient not customarily used to make ice cream and sherbet, and did not contain the basic dairy and sweetening ingredients of ice cream and sherbet. Further misbranding, Section 403 (a), the statement "Contains Sugar," which appeared on the label, was false and misleading since the article contained no sugar.

DISPOSITION: November 9, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

10190. Adulteration of mincemeat. U. S. v. 97 Tubs of Mince Meat. Default decree of condemnation and destruction. (F. D. C. No. 17133. Sample No. 4259-H.)

LABEL FILED: August 20, 1945, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about December 22, 1944, and January 7, 1945, by Edgar Brick & Sons, from Crosswicks, N. J.

PRODUCT: 97 30-pound tubs of mincemeat at Philadelphia, Pa.

LABEL, IN PART: "Old Homestead Mince Meat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of maggots and fruit flies.

DISPOSITION: September 12, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10191. Adulteration of rennet paste. U. S. v. 1 Keg and 1 Tub of Rennet Paste. Default decree of destruction. (F. D. C. No. 17259. Sample No. 13100-H.)

LABEL FILED: September 11, 1945, Southern District of Ohio.

ALLEGED SHIPMENT: On or about May 12, 1945, by J. Marchioretto and Co., Kenosha, Wis.

PRODUCT: 1 250-pound keg and 1 75-pound tub of rennet paste at Washington Court House, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of cow hairs, plant fibers, and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 2, 1945. No claimant having appeared, judgment was entered ordering that the product be destroyed.

VITAMIN PREPARATIONS AND FOODS FOR SPECIAL DIETARY USES

10192. Adulteration of Vitoloids. U. S. v. Martin Pretorius (Pretorius Approved Products). Plea of nolo contendere. Fine, \$500. (F. D. C. No. 16536. Sample No. 71952-F.)

INFORMATION FILED: September 7, 1945, Southern District of California, against Martin Pretorius, trading as Pretorius Approved Products, Glendale, Calif.

ALLEGED SHIPMENT: On or about May 17, 1944, from the State of California into the State of Washington.

PRODUCT: Examination of a sample showed that it contained 31.6 International Units of vitamin B₁ per tablet.

LABEL, IN PART: "Pretorius Vitoloids * * * One tablet also supplies 40 of the 333 units of Vitamin B-1 required daily."

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

DISPOSITION: December 7, 1945. A plea of nolo contendere having been entered, the defendant was fined \$500.

10193. Adulteration and misbranding of vitamin products. U. S. v. 67 Bottles of Vita-Fels Pellets, etc. Default decree of condemnation and destruction. (F. D. C. No. 16699. Sample Nos. 26495-H to 26500-H, incl.)

LABEL FILED: July 20, 1945, District of Colorado.

ALLEGED SHIPMENT: Between the approximate dates of April 20 and June 26, 1945, by Vitamin Stores, Inc., from Omaha, Nebr.

PRODUCT: 67 bottles of Vita-Pels Pellets, 21 bottles of Bevron Tablets, 8 bottles of Pro-B-Ron Capsules, 8 bottles of vitamin E capsules, 29 bottles of Nervron Tablets, and 19 bottles of Vita-Slim Capsules at Denver, Colo., together with accompanying labeling consisting of 300 circulars entitled "Spring 1945," 800 circulars entitled "Summer 1945," 49 circulars entitled "Do You Want to Reduce Your Figure with the Vita-Slim Plan," 2 placards entitled "Vita-Pels" and "Vita-Slim," and a number of circulars enclosed with the Vita-Slim Capsules entitled "The Improved! Vita-Slim Plan to Help You Reduce Weight."

Examination showed that the Bevron Tablets were 43 percent deficient in niacin.

LABEL, IN PART: "Pellets Vita-Pels Improved Vitamins and Minerals, 9 Vitamins In Each Red Pellet, 12 Minerals In Each Black Pellet"; "Tablets Bevron B Complex Vitamins with Liver and Iron. Each Tablet Contains * * * Niacin 20 mgms."; "Capsules Pro-B-Ron Liver and Iron with B Complex"; "Capsules Vitamin E Each capsule contains approximately six times as much Vitamin E as the equivalent amount of wheat germ oil"; "Nervron Tablets Each Tablet Contains Vitamin B₁ 15 milligrams"; "Improved Vita-Slim Capsules Vitamin Dietary Supplement Ingredients: Vita-Slim contains 10 essential Amino Acids from Soya Hydrolysates, plus B Complex factors."

NATURE OF CHARGE: *Vita-Pels Pellets.* Misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its vitamin and mineral content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of calcium, phosphorus, iron, and iodine, and the amounts of magnesium, copper, cobalt, manganese, zinc, sodium, potassium, and sulfur furnished by a specified quantity of the product when consumed during a period of 1 day, and the need for cobalt and manganese not having been established, its label failed to bear, as required by the regulations, a statement to that effect.

Bevron Tablets. Adulteration, Section 402 (b) (1), a valuable constituent, niacin, had been in whole or in part omitted from the article.

Pro-B-Ron Capsules. Misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary purposes by reason of its vitamin and mineral content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirement of iron furnished by a specified quantity of the article during a period of 1 day.

Vitamin E Capsules. Misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its vitamin E content, and its label failed to bear, as required by the regulations, a statement of the amount of vitamin E furnished by a specified quantity of the article during a period of 1 day; and the need for vitamin E in human nutrition not having been established, its label failed to bear, as required by the regulations, a statement to that effect.

Nervron Tablets. Misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its vitamin B₁ content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirement of vitamin B₁ furnished by a specified quantity of the product when consumed during a period of 1 day.

Vita-Slim Capsules. Misbranding, Section 403 (a), certain statements and the design of a slender woman, appearing in the labeling of the article, were false and misleading since they created the impression that use of the article would be effective to cause loss of body weight, quickly, safely, and easily, whereas the article would not be effective for such purpose.

The articles, with the exception of the *Vita-Slim Capsules*, were also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices.

DISPOSITION: September 27, 1945. No claimant having appeared, judgment of condemnation was entered and the products, together with the printed matter, were ordered destroyed.