

PRODUCT: Major B-Complex Vitamin Tablets. 190 dozen 24-tablet boxes, 19½ dozen 48-tablet boxes, 159⅓ dozen 100-tablet boxes, and 4¾ dozen 200-tablet boxes, in various lots, at Wichita, Kans., and Brattleboro, Vt.

LABEL, IN PART: "Major B Complex Brand Natural Vitamin Tablets," or "Major B Brand Natural B-Complex Vitamins."

NATURE OF CHARGE: Kansas lot. Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B₁, had been in whole or in part omitted or abstracted from the article. Misbranding, Section 403 (a), the following label statements on the article were false and misleading as applied to the article, which contained less than the stated amount of thiamine (vitamin B₁): "Thiamine (Vitamin B₁) Each Tablet .333 Milligrams 333 Micrograms (3 Tablets) 1000 Micrograms * * * 3 Major B-Complex tablets daily provide the minimum daily adult requirement of Thiamine (Vitamin B₁)," or "Thiamine (Vitamin B₁) Per Tablet .333 Milligrams 333 Micrograms Three Tablets 1000 Micrograms * * * *Three Tablets Daily* provide the minimum daily adult requirement of Thiamine (Vitamin B₁)."

All lots. Misbranding, Section 403 (a), the label statement on the article "B Complex * * * Tablets" was misleading as applied to the article, which supplied a nutritionally inconsequential amount of niacin, one of the vitamins of the B complex, the need for which in human nutrition is definitely established. Further misbranding, Section 403 (a), certain label statements on the article and statements in circulars entitled "Buoyant Health For All the Family," accompanying the article, were false and misleading since they represented and suggested that the article would be effective to provide greater energy, steadier nerves, better digestion, improved health and vigor, better appetite, and insurance from vitamin deficiencies; that it would promote physical well-being; that it would afford protection against frequent colds, constipation, fatigue, digestive upsets, and other common ills; that it would provide the vitamins found in whole wheat bread, eggs, milk, liver, and tomato juice; that there are widespread dietary deficiencies that would be corrected by use of the article; that it contained nutritionally significant amounts of all vitamins of the B-complex; that foods are unreliable sources of vitamins; and that therefore it is desirable, if not necessary, to use the article to supplement the ordinary diet. The article would not be effective for the purposes represented; it would not provide the vitamins found in whole wheat bread, eggs, milk, liver, and tomato juice; there are not widespread dietary deficiencies that would be corrected by use of the article, and it did not contain nutritionally significant amounts of all vitamins of the B-complex. Furthermore, foods are reliable sources of vitamins, and it is not desirable or necessary to use the article to supplement the ordinary diet.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices.

DISPOSITION: November 21, 1945, and January 21, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

10196. Misbranding of Bonaid Tablets. U. S. v. 139 Bottles and 22 Bottles of Bonaid Tablets. Default decree of condemnation and destruction. (F. D. C. No. 17341. Sample No. 31228-H.)

LIBEL FILED: September 10, 1945, Southern District of California.

ALLEGED SHIPMENT: On or about April 25, 1945, by the L. M. and W. Products Co., from Detroit, Mich.

PRODUCT: 139 100-tablet bottles and 22 600-tablet bottles of Bonaid Tablets at Los Angeles, Calif. Examination indicated that the product contained, among other things, approximately 117 milligrams of calcium and 54 milligrams of phosphorus per tablet.

LABEL, IN PART: "Bonaid 100 [or "600"] Tablets Each Tablet contains natural Bone Phosphate (supplying Calcium, Phosphorus, * * *), plus 200 U. S. P. Units of Vitamin D Synthetic in a base of suitable excipients."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements, "Bonaid Tablets aid in building sound teeth, nails and bones * * * an effective aid in the prevention of tooth decay * * * an important factor in the prevention of tooth decay," were false and misleading since the article

would not be effective to build sound teeth, nails and bones, and to prevent tooth decay; and, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its vitamin D, calcium, and phosphorus content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of calcium and phosphorus furnished by a specified quantity of the product when consumed during a period of 1 day.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1880.

DISPOSITION: November 20, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10197. Misbranding of sea water (Cal-O-Dine). U. S. v. 17 Bottles of Sea Water. Default decree of condemnation and destruction. (F. D. C. No. 17577. Sample No. 27976-H.)

LIBEL FILED: October 4, 1945, District of Oregon.

ALLEGED SHIPMENT: From Alameda, Calif., by Cal-O-Dine. The product was shipped on or about June 22, 1945, and a number of leaflets were shipped on or about February 1, 1945.

PRODUCT: 17 ½-gallon bottles of sea water at Eugene, Oreg., together with a number of leaflets headed "The Mysterious ingredient of sea-water." Analyses indicated that the product was sea water.

LABEL, IN PART: "Sea Water Sold Under Trade Name of Cal-O-Dine."

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements in the labeling of the article were false and misleading.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1873, in which are set forth the false and misleading statements referred to above.

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

10198. Misbranding of candy. U. S. v. 8 Cases of Candy. Default decree of condemnation and destruction. (F. D. C. No. 17389. Sample No. 29700-H.)

LIBEL FILED: September 14, 1945, Northern District of California.

ALLEGED SHIPMENT: On or about June 11, 1945, by New Orleans Confections, from Chicago, Ill.

PRODUCT: 8 cases, each containing 24 boxes, of candy at San Francisco, Calif. Examination showed that the product consisted of individually wrapped pieces of candy containing a very small quantity of nut meat pieces. The boxes were not filled to capacity, since an inverted tray about 1½ inches wide occupied the center of the box.

LABEL, IN PART: "New Orleans Confections Assorted Divinity," [picture of large numbers of pecan halves and pieces]; [sticker inside box] "For your enjoyment we have enriched our candies with extra whipping cream and vitamins."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label designation "New Orleans Confections" was misleading since the article was manufactured in Chicago, Ill.; and, Section 403 (a), the picture of large numbers of pecan halves and pieces, which appeared on the label, was false and misleading since the article contained a very small quantity of nut meat pieces.

Further misbranding, Section 403 (d), the container was so made, formed, and filled as to be misleading since the box was larger than necessary for the amount of candy that it contained; and, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of the label declaration "we have enriched our candy with * * * vitamins," and the label failed to bear the name of the specific vitamins present in the product and a statement of the quantities thereof prescribed by the regulations as necessary in order fully to inform purchasers as to its value for such uses.

DISPOSITION: October 24, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.