

12776. Adulteration and misbranding of Derbetain Broth Powder. U. S. v. 35 Cases * * *. (F. D. C. No. 20066. Sample No. 37481-H.)

LIBEL FILED: June 12, 1946, Western District of Washington.

ALLEGED SHIPMENT: On or about February 17 and July 26 and 27, 1945, by Heller Runnels Laboratories, from Los Angeles, Calif.

PRODUCT: 35 cases, each containing 24 6-ounce cans, of Derbetain Broth Powder at Seattle, Wash.

LABEL, IN PART: "Derbetain Tomato Flavor Broth Powder."

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 rounded teaspoonful (.3 oz.) supplies 50% of the daily adult minimum requirements of vitamin B₁" was false and misleading. The article would not provide the stated proportion of the minimum daily requirement for vitamin B₁.

DISPOSITION: August 30, 1946. Dermetics, Inc., Seattle, Wash., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for the purpose of relabeling, under the supervision of the Food and Drug Administration.

12777. Misbranding of Major B Complex Tablets. U. S. v. 80 Dozen Cartons, etc. (F. D. C. No. 22932. Sample Nos. 74516-H to 74518-H, incl.)

LIBEL FILED: April 15, 1947, District of New Hampshire.

ALLEGED SHIPMENT: On or about February 16 and March 16, 1943, and April 1, 1944, by Major Vitamins, Inc., from New York, N. Y.

PRODUCT: Major B Complex Tablets. 80 dozen cartons, each containing 24 tablets; 47 so-called "deals," each consisting of 6 100-tablet bottles; 6 cartons of 48 tablets each and 6 cartons of 24 tablets each; and 44 dozen cartons, each containing 1 bottle of 100 tablets, at Keene, N. H.

LABEL, IN PART: "Major B Brand Natural Vitamin B Complex with added Thiamine."

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements and designs 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. 2225, in which is set forth the nature of the false and misleading statements referred to above.

DISPOSITION: August 19, 1947. Default decree of condemnation and destruction.

12778. Misbranding of Trymm (dietary supplement). U. S. v. 55 Cases * * *, and a number of leaflets. (F. D. C. No. 22167. Sample No. 69871-H.)

LIBEL FILED: January 9, 1947, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about October 22 and November 8, 1946, by Barjay Products, Inc., from Toledo, Ohio.

PRODUCT: 41 cases, each containing 24 125-tablet bottles, and 14 cases, each containing 12 125-tablet bottles, of Trymm at Detroit, Mich., and a number of leaflets entitled "Reduce." Examination showed that the article contained approximately the amounts of calcium, phosphorus, and iron declared on the label, but no vitamin A or C. These two vitamins are essential to normal metabolism in man.

LABEL, IN PART: (Bottle) "Trymm A supplement to the Diet Each tablet contains Vitamin B-1 (Thiamin Chloride) 0.333 mgm., Vitamin B-2 (Riboflavin) 0.666 mgm., Vitamin D (Irradiated Yeast) 133.33 USP Units, Niacinamide 1.67 mgm., Calcium (Calcium Pyrophosphate) 325.00 mgm., Phosphorus (Calcium Pyrophosphate) 250.00 mgm., Iron (Iron Pyrophosphate) 3.33 mgm."

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements concerning the article in the leaflets were false and misleading, since they represented and suggested that the article would be effective to cause loss of body weight, to prevent hunger, to insure health, and to furnish the average adult with the minimum daily requirements for vitamins and minerals, whereas the article would not be effective for such purposes.

DISPOSITION: March 14, 1947. Barjay Products, Inc., having admitted the allegations of the libel, judgment of condemnation was entered and the product was

ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

12779. Misbranding of L'Vito Peptrons. U. S. v. 357 Bottles * * *. (F. D. C. No. 23202. Sample No. 68396-H.)

LIBEL FILED: June 19, 1947, Western District of Oklahoma.

ALLEGED SHIPMENT: On or about February 25, 1947, by Oxford Products, Inc., from Cleveland, Ohio.

PRODUCT: 357 75-tablet bottles of L'Vito Peptrons at Oklahoma City, Okla. Examination showed that the product contained approximately 3.8 milligrams of iron per tablet.

LABEL, IN PART: "L'Vito Peptrons 75 Tablets Contents: Iron Peptonized Haemoglobin Reduced Iron Natural Vitamin B Complex from Yeast Calcium Pantothenate Niacin Dehydrated Whole Yeast And Added Vitamin B₁ (Thiamin Chloride) B₂, B₆ * * * DIRECTIONS Adults: Take one or two tablets three or four times a day one hour before meals and at bed-time * * * A General Tonic supplying a supplementary source of Vitamin B₁ and Peptonized Haemoglobin Reduced Iron."

NATURE OF CHARGE: Misbranding, Section 403 (j), the article purported to be a food for special dietary uses by reason of its calcium pantothenate, niacin, vitamins B₁, B₂, and B₆, and iron content; its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of vitamins B₁, B₂, and iron, and the amounts of vitamin B₆, calcium pantothenate, and niacin supplied by the article when consumed in a specified quantity during a period of 1 day; and its label failed also to bear, as required by regulations, the statement "The need for vitamin B₆ and calcium pantothenate in human nutrition has not been established."

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. 2226.

DISPOSITION: July 21, 1947. Default decree of condemnation and destruction.

12780. Misbranding of Nova Kelp tablets. U. S. v. 48 Bottles * * *. (F. D. C. No. 23460. Sample No. 39024-H.)

LIBEL FILED: June 27, 1947, Eastern District of Michigan.

ALLEGED SHIPMENT: Between the approximate dates of April 16, 1945, and March 18, 1947, by the Johnstone Drug Sales Corp., from Rochester, N. Y.

PRODUCT: 11 150-tablet bottles, 32 300-tablet bottles, and 5 750-tablet bottles of Nova Kelp at Detroit, Mich. Examination showed that the product consisted of dried seaweed containing, per tablet, 1.19 milligrams of iodine, 2.91 milligrams of iron, 5.66 milligrams of calcium, 0.009 milligram of copper, 1.07 milligrams of phosphorus, and lesser quantities of other elements in chemical combination.

LABEL, IN PART: "Nova Kelp From Nova Scotia A Deep-Sea Edible Plant With No Added Drugs or Chemicals."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "Dietary Supplement Rich in * * * Calcium, Copper, Sodium, Magnesium, Potassium, Phosphorus" was false and misleading, since the article was not a rich dietary supplement of such minerals. Further misbranding, Section 403 (j), the article purported to be, and was represented as, a food for special dietary uses by reason of its iodine, iron, calcium, copper, sodium, magnesium, potassium, 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, phosphorus, iodine, and iron, and the amounts of copper, sodium, magnesium, and potassium supplied by the article when consumed in a specified quantity during a period of 1 day.

DISPOSITION: October 10, 1947. Default decree of condemnation and destruction.

12781. Misbranding of saccharin tablets. U. S. v. 338 Dozen Envelopes of Saccharin Tablets. Tried to the court. Verdict for the Government. Judgment of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 18353. Sample No. 495-H.)

LIBEL FILED: November 13, 1945, Southern District of Georgia.