

ALLEGED SHIPMENT: On or about September 13, 1945, by the Cumberland Manufacturing Co., from Nashville, Tenn.

PRODUCT: 338 dozen envelopes of saccharin tablets at Augusta, Ga. Examination disclosed that the number of tablets in the envelopes varied from 19 to 40.

LABEL, IN PART: "30 Tablets $\frac{1}{2}$ Grain Dr. Lane's Saccharin Soluble For use when sugar is forbidden."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents, since the label statement "30 Tablets" was inaccurate. Further misbranding, Section 403 (j), the product purported to be, and was represented as, a food for special dietary uses by man by reason of the presence of saccharin, a constituent which is not utilized in normal metabolism; and its label failed to bear such information concerning its dietary properties as has been prescribed by regulations in order to fully inform purchasers as to its value for such uses, since its label failed to bear, as required by the regulations, the statement "Contains—saccharin (or saccharin salt, as the case may be), a nonnutritive artificial sweetener which should be used only by persons who must restrict their intake of ordinary sweets," the blank to be filled in with the percent by weight of saccharin or saccharin salt in such food.

DISPOSITION: April 30, 1946. The Cumberland Manufacturing Co., claimant, having filed an answer denying that the saccharin was a food, the case was submitted to the court without a jury, by written agreement, in which agreement it was stipulated that the sole question to be decided by the court was whether or not the saccharin was a food within the meaning of the Federal Food, Drug, and Cosmetic Act. The court held that the product was a food, and a judgment of condemnation was entered ordering that the product be delivered to a charitable institution.

12782. Misbranding of saccharin tablets. U. S. v. 174 Cards * * *. (F. D. C. No. 22244. Sample No. 72941-H.)

LABEL FILED: February 4, 1947, District of Kentucky.

ALLEGED SHIPMENT: On or about January 4, 1947, by the National Specialty Company, from Nashville, Tenn.

PRODUCT: 174 cards, each containing 12 envelopes, of saccharin tablets at Louisville, Ky. Analysis showed that the product contained an average of 114 percent of the labeled amount of soluble saccharin per tablet and that the average number of tablets in an envelope was 31.

LABEL, IN PART: (Cards) "Nasco Brand Saccharin Tablets 35's One Quarter Grain"; (envelopes) "Nasco Brand Saccharin Tablets $\frac{1}{4}$ Grain Soluble."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents, since the envelopes bore no statement of the quantity of the contents and the statement on the cards "35's" was inaccurate. Further misbranding, Section 403 (j), the article purported to be, and was represented as, a food for special dietary uses by man by reason of the presence of saccharin, a constituent which is not utilized in normal metabolism; its label failed to bear such information concerning its dietary properties as is prescribed by regulations as necessary; and its label failed to bear the statement "Contains—saccharin (or saccharin salt, as the case may be), a nonnutritive artificial sweetener which should be used only by persons who must restrict their intake of ordinary sweets," the blank to be filled in with the percent by weight of saccharin or saccharin salt contained in the article.

The article was alleged also to be adulterated under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2109.

DISPOSITION: March 14, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12783. Misbranding of saccharin tablets. U. S. v. 84 Packages * * *. (F. D. C. No. 22113. Sample No. 54916-H.)

LABEL FILED: On or about December 26, 1946, Northern District of Georgia.

ALLEGED SHIPMENT: On or about October 9, 1946, by the Anderson Specialty Co. (Economy Drug Co.), from Anderson, S. C.

PRODUCT: 84 100-tablet packages of saccharin at Atlanta, Ga. Examination showed that the number of tablets in the packages varied from 77 to 101.

LABEL, IN PART: "1-4 Gr. Saccharin Tablets * * * Approximately 100 Packed By Economy Drug Co. Anderson, S. C."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents. Further misbranding, Section 403 (j), the article purported to be, and was represented as, a food for special dietary uses by man by reason of the presence of saccharin, a constituent which is not utilized in normal metabolism; its label failed to bear such information concerning its dietary properties as necessary fully to inform purchasers as to its value for such uses; and its label failed to bear, as required by the regulations, the statement "Contains—saccharin (or saccharin salt, as the case may be), a nonnutritive artificial sweetener which should be used only by persons who must restrict their intake of ordinary sweets," the blank to be filled in with the percent by weight of saccharin or saccharin salt in such food.

DISPOSITION: February 21, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12784. Misbranding of Choc-O-Lac. U. S. v. 47 Cases * * *. (F. D. C. No. 20268. Sample No. 63413-H.)

LABEL FILED: June 17, 1946, District of New Jersey.

ALLEGED SHIPMENT: On or about May 15, 1946, by the Blumoon Food Products, Inc., from Brooklyn, N. Y.

PRODUCT: 47 cases, each containing 24 20-ounce jars, of Choc-O-Lac at Newark, N. J. Examination showed that the article consisted essentially of sugar, water, cocoa, and defatted milk solids.

LABEL, IN PART: "Blumas Choc-O-Lac Best-Yet The Health Builder Fortified with Vitamin B-1 666 International Units."

NATURE OF CHARGE: Misbranding, Section 403 (a), the name of the article, "Choc-O-Lac," was false and misleading as applied to the article, which did not contain chocolate; furthermore, the label statement, "Health Builder," was false and misleading, since the article was not a health builder. Further misbranding, Section 403 (e) (2), the label of the article failed to contain an accurate statement of the quantity of the contents in terms of measure, since the article was a liquid and the statement, "Contents 20 Ozs. Avd.," was inaccurate; Section 403 (f), the common or usual names of the ingredients of the article, required by law to appear on the label, were not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, and devices, on the label) as to render them likely to be read by the ordinary individual under customary conditions of purchase and use, since the names of the ingredients were printed at right angles to the main label panel in very small type; and, Section 403 (j), the article purported to be, and was represented as, a food for special dietary uses by man because 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 for the vitamin supplied by the article when consumed in a specified quantity during a period of one day.

DISPOSITION: October 8, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable organizations.

12785. Adulteration of Moregg and Dr. Fenton's Vigortone No. 5½ (veterinary preparations). U. S. v. Dr. Fenton's Vigortone Co. Plea of guilty. Fine, \$400 and costs. (F. D. C. No. 14268. Sample Nos. 40640-F, 63187-F.)

INFORMATION FILED: August 22, 1945, Northern District of Iowa, against Dr. Fenton's Vigortone Co., a partnership, Cedar Rapids, Iowa.

ALLEGED SHIPMENT: On or about December 14, 1943, from the State of Iowa into the States of Illinois and Minnesota.

LABEL, IN PART: (Moregg) "Strontium Nitrate Lime (Ca. 19.5%) Phosphorus (P) 2.5%"; (Vigortone) "Strontium Nitrate."