

13477. Adulteration of dried chili peppers. U. S. v. 46 Bags * * *. (F. D. C. No. 25036. Sample No. 31740-K.)

LIBEL FILED: July 13, 1948, Southern District of California.

ALLEGED SHIPMENT: On or about January 9, 1947, from Mexico.

PRODUCT: 46 115-pound bags of dried chili peppers at Wilmington, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of filthy and decomposed substances by reason of the presence of wormy and moldy chili peppers. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: August 16, 1948. Default decree of condemnation and destruction.

13478. Adulteration and misbranding of oil of lemon terpeneless. U. S. v. 5 bottles * * *. (F. D. C. No. 24741. Sample No. 13216-K.)

LIBEL FILED: On or about May 3, 1948, District of New Jersey.

ALLEGED SHIPMENT: On or about March 9, 1948, by D. W. Hutchinson Co., Inc., from New York, N. Y.

PRODUCT: 5 1-pound bottles of oil of lemon terpeneless at Camden, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), an oil other than an oil of lemon terpeneless had been substituted in whole or in part for oil of lemon terpeneless.

Misbranding, Section 403 (a), the name "oil of lemon terpeneless" was false and misleading. (Analysis showed that terpenes were present in the article.)

DISPOSITION: June 7, 1948. Default decree of condemnation and destruction.

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE*

13479. Adulteration and misbranding of Dicalcium Phosphate Capsules, Dicalco Capsules, Min-Rals Tablets, and Duomins Vitamin and Mineral Perles. U. S. v. National Drug Laboratories, Inc., and Jules Press. Pleas of guilty. Fine of \$2,000 and costs against corporation and \$250 and costs against individual. (F. D. C. No. 23219. Sample Nos. 38509-H, 38513-H, 67282-H, 67470-H.)

INFORMATION FILED: October 6, 1947, Northern District of Illinois, against National Drug Laboratories, Inc., Chicago, Ill., and Jules Press, president of the corporation.

ALLEGED SHIPMENT: On or about March 25, August 1 and 31, and September 5, 1946, from the State of Illinois into the States of Indiana, Nebraska, and Missouri.

NATURE OF CHARGE: Dicalcium Phosphate Capsules. Adulteration, Section 402 (b) (1), a valuable constituent of the article, vitamin D, had been in part omitted and abstracted therefrom. Misbranding, Section 403 (a), the label statement "Each capsule contains * * * at least 350 Units of Vitamin D" was false and misleading.

Dicalco Capsules. Adulteration, Section 402 (b) (1), a valuable constituent of the article, vitamin D, had been in part omitted and abstracted therefrom. Misbranding, Section 403 (a), the label statement "Each capsule contains * * * at least 350 Units of Vitamin D" was false and misleading.

Min-Rals Tablets. Adulteration, Section 402 (b) (1), valuable constituents of the article, iron, calcium, phosphorus, and iodine, had been in part omitted and abstracted from the article. Misbranding, Section 403 (a), the label statements "in Each Tablet Mg's Iron * * * 56.1 Calcium & Phosphorus * * * 187.1 Iodine * * * .15" were false and misleading.

Duomins Vitamin and Mineral Perles. Adulteration, Section 402 (b) (1), valuable constituents of the article, iron, calcium, phosphorus, and iodine, had been in part omitted and abstracted from the article. Misbranding, Section 403 (a), the label statements "Each Mineral Perle Contains: 1. Iron * * * 56.1 Mg. 2. Calcium * * * 187.0 Mg. 3. Phosphorus * * * 42.6 Mg. 4. Iodine * * * .15 Mg." were false and misleading.

The information alleged also that another product, Diet Tablets, was adulterated and misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2311.

*See also No. 13404.

DISPOSITION: January 29, 1948. Pleas of guilty having been entered, the court imposed fines of \$2,000 and costs against the corporation and \$250 and costs against the individual.

13480. Adulteration of vitamin tablets. U. S. v. Physicians Drug & Supply Co., a corporation, and Israel Steinberg. Plea of nolo contendere by corporation; fine \$1,500. Israel Steinberg found not guilty. (F. D. C. No. 20199. Sample Nos. 5106-H, 5109-H.)

INFORMATION FILED: December 3, 1946, Eastern District of Pennsylvania, against the Physicians Drug & Supply Co., a corporation, and Israel Steinberg, secretary-treasurer.

ALLEGED SHIPMENT: On or about September 22, 1945, from the State of Pennsylvania into the State of New Jersey.

LABEL, IN PART: "Vitamins A-B₁-C-D-G," or "Tablets Sugar-Coated, Red Vitamin B Complex."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents of the Vitamins tablets, thiamine hydrochloride and ascorbic acid, and of the vitamin B complex tablets, thiamine hydrochloride, had been in part omitted or abstracted.

DISPOSITION: January 8, 1948. A plea of nolo contendere having been entered on behalf of the corporation, the court imposed a fine of \$750 on each of the two counts of the information. The individual defendant, Israel Steinberg, having entered a plea of not guilty, the court found him not guilty.

13481. Misbranding of Hyland's Natural B Complex Tablets. U. S. v. Standard Homeopathic Co. Plea of guilty. Fine, \$300. (F. D. C. No. 22071. Sample No. 31283-H.)

INFORMATION FILED: September 25, 1947, Southern District of California, against the Standard Homeopathic Co., a corporation, Los Angeles, Calif.

INTERSTATE SHIPMENT: On or about June 18, 1945, from Cincinnati, Ohio to Los Angeles, Calif.

LABEL, WHEN SHIPPED: "Tablets Special Formula S1414 Each tablet represents: Thiamine (B₁) . . . 55 U. S. P. Units Vitamin D . . . 100 U. S. P. Units Riboflavin (G) . . . 0.166 mg. Pyridoxine (B₆) . . . 0.28 mg. Pantothenic Acid . . . 0.083 mg. Niacin . . . 0.166 mg together with all other members of the Vitamin B Complex natural to yeast. Alfalfa . . . 0.325 Gm. (For Repackaging Purposes Only) John T. Lloyd Laboratories, Inc. 1414 Cincinnati, Ohio."

ALLEGED VIOLATION: Between June 30, 1945, and August 1, 1946, while the tablets were being held for sale after shipment in interstate commerce, the defendant caused a number of the tablets to be removed from the container in which they had been shipped, repacked them into bottles, and caused a number of circulars and placards to be displayed and placed in proximity to the repackaged tablets, which acts of the defendant resulted in the tablets being misbranded. The repackaged tablets were labeled in part "Hyland's Natural B Complex Tablets." The circulars were headed "Lack of . . . Vitamin B Complex May Cause," and the placards were entitled "Deficiency of Vitamin B₂," "Deficiency of Vitamin D," "Deficiency of Vitamin B₁," "Deficiency of Vitamin A," "Deficiency of Vitamin Calcium Pantothenate," "Deficiency of Vitamin Nicotinic Acid," and "Deficiency of Vitamin C."

NATURE OF CHARGE: Misbranding, Section 403 (a), the following statements on the label of the repackaged tablets were false and misleading: "Alfalfa 0.325 Gm. together with all the other members of the Vitamin B Complex natural to yeast * * * With the object of more natural vitamin fortification, natural yeast and alfalfa have been utilized" and "Requirements for Pyridoxine, Pantothenic Acid * * * have not been determined." These statements represented and suggested that the tablets contained nutritionally significant amounts of alfalfa and yeast and that the need for pyridoxine and pantothenic acid in human nutrition has been established, whereas the tablets did not contain nutritionally significant amounts of alfalfa and yeast and the need for pyridoxine and pantothenic acid in human nutrition has not been established. Further misbranding, Section 403 (j), the repackaged tablets