

would supply less than the stated percentages of the minimum daily requirements for such vitamins.

The products were adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: July 23, 1951. Default decree of condemnation and destruction.

18000. Adulteration and misbranding of Mynex tablets. U. S. v. 82 Boxes * * *. (F. D. C. No. 31403. Sample No. 18141-L.)

LABEL FILED: August 3, 1951, District of Arizona.

ALLEGED SHIPMENT: On or about May 2, 1951, by Marlene's, Inc., from Chicago, Ill.

PRODUCT: 82 63-tablet boxes of Mynex tablets at Phoenix, Ariz. Analysis showed that the product contained substantially less than the declared amount of vitamin D.

LABEL, IN PART: "A Dietary Supplement * * * Mynex * * * Each Maroon Tablet Contains: * * * Vitamin D 200 Int. units."

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

Misbranding, Section 403 (a), the label statement "Mynex * * * taken as directed * * * provide the following percentages of the minimum daily requirements: * * * Diastetic Malt Extract 50%" was false and misleading since there is no requirement in human nutrition for diastetic malt extract. Further misbranding, Section 403 (f), the information required by Section 403 (a) to appear on the label, namely, a statement that Mynex tablets would not make one reduce, was not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices, on the label) and in such terms as to render such statement likely to be read and understood by the ordinary individual under customary conditions of purchase and use, since such statement appeared inside the cellophane wrapped box; and in the light of the representations made and suggested for the article, under conditions of use as are customary and usual, such statement should appear upon the immediate container of the article.

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. 3580.

DISPOSITION: September 26, 1951. Default decree of condemnation and destruction.

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¹ (17968) Prosecution contested. Contains opinion of the court.

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

18001-18050

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency, and include, where indicated, the results of investigations by the Agency, prior to the institution of the proceedings. Published by direction of the Federal Security Administrator.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., July 9, 1952.

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