

which contained only 67 U. S. P. units of vitamin A per tablet; and (3) in that statements, designs, and devices in the labeling which represented that it would be efficacious in the treatment of nutritional (secondary) anemia, that it would make new blood and improve and maintain the health, were false and misleading since it could not be relied upon to produce the effects claimed.

It was also alleged to be adulterated and misbranded in violation of the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 567.

On May 26, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2987. Adulteration and misbranding of Bio Vita Vitamin Oil. U. S. v. 23 Gallon Cans of Bio Vita Vitamin Oil. Default decree of condemnation and destruction. (F. D. C. No. 4378. Sample No. 60505-E.)

Biological examination of this product showed that it contained not more than 175 U. S. P. units of vitamin D per gram; whereas it was labeled as containing 250 U. S. P. units of vitamin D per gram. It also contained false and misleading claims in the labeling.

On April 21, 1941, the United States attorney for the District of Massachusetts filed a libel against the above-named product at Lexington, Mass., alleging that it had been shipped by Bioproducts, Inc., from Astoria, Oreg., on or about February 11, 1941; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a valuable constituent, namely, vitamin D, had been in whole or in part abstracted therefrom.

It was alleged to be misbranded in that the following statements on the label were false and misleading since it would not be efficacious for such purposes: "250 USPXI Units Vitamin D per gram * * * Vitamin A is important to good fur, to build resistance to respiratory diseases, to insure good breeding, to promote growth, to prevent urinary calculi. Aids in maintaining good skin condition."

The article was also alleged to be adulterated and misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 570.

On July 8, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2988. Adulteration and misbranding of DPS Formula No. 54. U. S. v. 35 Bottles of DPS Formula No. 54. Default decree of condemnation and destruction. (F. D. C. No. 6025. Sample No. 61376-E.)

Examination of this product showed that it was approximately 50 percent deficient in vitamins A, C, and D.

On October 21, 1941, the United States attorney for the District of Oregon filed a libel against 35 bottles, each containing 80 DPS Formula No. 54 tablets, alleging that the article had been shipped on or about July 7 and August 20, 1941, by Dartell Laboratories from Los Angeles, Calif.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that valuable constituents, i. e., vitamins A, C, and D, had been in whole or in part omitted or abstracted therefrom.

It was alleged to be misbranded: (1) In that statements appearing on the label, "Each Tablet Contains * * * Vitamin D . . . 700 USP XI Units, Vitamin C . . . 100 International Units, Vitamin A . . . 1000 International Units," were false and misleading since it contained less than the stated amounts of vitamins A, C, and D. (2) In that the following words and device appearing on the label, "DPS Formula No. 54," were false and misleading since they referred and related to the statement "DPS Formula No. 54 . . . Indications: Hyperacidity, Nervousness, Low blood calcium, Moist type skin disorders, Pregnancy and lactation, Soft teeth and bone, Respiratory disorders, Asthma, Sinusitis, Tuberculosis," appearing in a certain catalog entitled "Dartell Formulae" distributed by the consignor and in the possession of the consignee, whereby said words and device suggested and represented that the article was an adequate and effective remedy for the conditions enumerated in the catalog; whereas it was not an adequate and effective remedy for such conditions. (3) In that it was fabricated from two or more ingredients and the label failed to bear a list of such ingredients by their common or usual names.

It was also alleged to be adulterated and misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 564.

On December 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was order destroyed.