

It was alleged to be misbranded in that the statement on the label, "Adiron * * * Tablets, each contain * * * 1200 U. S. P. XI units Vitamin 'A' 180 U. S. P. XI Units Vitamin 'D'," was false and misleading since each tablet contained not more than 300 U. S. P. XI units of vitamin A, and not more than 100 U. S. P. XI units of vitamin D.

The information also alleged that it was adulterated and misbranded (and that another article, Floramucin, was misbranded) under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices.

On March 3, 1942, a plea of guilty was entered to all charges and the court imposed a fine of \$250, which covered all counts of the information.

3839. Misbranding of Merlek Mineral Water. U. S. v. Michael Lee (Lee Bros.).
Plea of nolo contendere. Fine, \$1,000. Defendant placed on probation
for 5 years. (F. D. C. No. 5527. Sample No. 7399-E.)

This product consisted of sea water to which had been added a small amount of potassium iodide. Its labeling bore false and misleading claims regarding its mineral content and its efficacy in conditions of impaired health resulting from mineral deficiency.

On January 3, 1942, the United States attorney for the Northern District of California filed an information against Michael Lee, trading as Lee Bros. at Oakland, Calif., alleging shipment on or about May 18, 1940, from the State of California into the State of Arizona of a quantity of Merlek which was misbranded.

The article was alleged to be misbranded in that the statements, "Contains Parts Per Million (Approximate Analysis) Sodium & Potassium Chlorides: 28924.7 Magnesium Chloride: 3286.9 Magnesium Sulphate: 3106.7 Calcium Sulphate: 857.3 Calcium Chloride: 573.0 * * * Magnesium Bromide: 76.0 Alkaline Nitrates: 42.5 Traces of Phosphorus, Boron, Silica, Sodium Fluoride, Iron Oxide, Aluminum Oxide * * * Merlek is sold only to help supply minerals for mineral deficiency," borne on the label, were false and misleading since they represented and suggested that it contained the above-named minerals in amounts sufficient to contribute in an important respect to the requirements of the body for such minerals, and that it would be efficacious in conditions of impaired health resulting from deficiency of said minerals; whereas it would not contribute in an important respect to the requirements of the body for such minerals since it contained inconsequential amounts of minerals and would not be efficacious in conditions of impaired health resulting from deficiency of such minerals. It was alleged to be misbranded further in that its labeling was misleading since it failed to reveal the fact, material in the light of the representations in the labeling, that it consisted of sea water to which had been added a small amount of potassium iodide.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 729.

On June 9, 1942, the defendant entered a plea of nolo contendere and the court imposed a fine of \$1,000 and placed the defendant on probation for 5 years.

3840. Misbranding of Betene. U. S. v. 350 Cans and 130 Cans of Betene. Decree
of condemnation. Product ordered released under bond to be relabeled.
(F. D. C. No. 6877. Sample No. 64672-E.)

The labeling of this product bore false and misleading representations regarding its efficacy as an aid in weight control and as a tonic.

On February 16, 1942, the United States attorney for the Western District of Pennsylvania filed a libel against 216 cans (amended on March 21, 1942, to cover 480 cans) of Betene at Rochester, N. Y., alleging that the article had been shipped in interstate commerce on or about November 25, 1941, from Rochester, N. Y., by the L. H. Stewart Corporation; and charging that it was misbranded.

Analysis of the article showed that it consisted essentially of a mixture of dried skim milk, dried egg yolk, soya bean tissues, wheat bran, wheat germ, salt, agar agar, calcium phosphate, chondrus (Irish moss), and saccharin, flavored with cocoa, vanillin, and coumarin, together with certain added vitamin substances.

The article was alleged to be misbranded in that statements in the labeling which represented and suggested that when consumed as directed, it would cause an increase in weight, would supply vigor and vitality to the user and that it constituted a sure, sane, safe, and effective way to reduce, were false and misleading since its consumption would not accomplish such results.

It was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 732.

On May 21, 1942, the L. H. Stewart Corporation, claimant, having admitted that the allegations of the libel were substantially correct, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

3841. Misbranding of Vita-Port Vitamin B₁ Tonic. U. S. v. 141 Bottles of Vita-Port Vitamin B₁ Tonic. (F. D. C. No. 7539. Sample No. 87177-E.)

The labeling of this product bore false and misleading therapeutic claims.

On May 20, 1942, the United States attorney for the District of Columbia filed a libel against 141 bottles of Vita-Port Vitamin B₁ Tonic at Washington, D. C., alleging that the article was being offered for sale in the District of Columbia at the Super Cut Rate Drugs, Washington, D. C.; and charging that it was misbranded. It was labeled in part: "Each fluid ounce contains thiamine hydrochloride (Vitamin B₁) . . . 4 mg. (Equivalent to 1330 International Units) Alcohol 20 Per cent."

The article was alleged to be misbranded in that the following statements in the labeling, "Here's Health * * * Recommended for Underweight—Loss of Appetite Nervousness," were false and misleading since it would not be an effective treatment for such conditions.

It was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drug and devices.

On June 26, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3842. Misbranding of wheat embryo. U. S. v. 34 Cans of Wheat Embryo. Default decree of condemnation and destruction. (F. D. C. No. 6807. Sample No. 76077-E.)

The labeling of this product represented that it contained from 9 to 10 units of vitamin B₁ per gram and that 1 tablespoonful was equivalent in vitamin content to 8 cakes of yeast; whereas it contained not more than 7 units of vitamin B₁ per gram and the vitamin content of 1 tablespoonful was not equal to that of 8 yeast cakes. Furthermore, it was deficient in protein and its labeling bore false and misleading therapeutic claims.

On February 6, 1942, the United States attorney for the District of Minnesota filed a libel against 34 cans of wheat embryo at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about February 27, 1941, by Freshman Vitamin Co. from Detroit, Mich.; and charging that it was misbranded. It was labeled in part: "Dr. Ray Wheat Embryo."

It was alleged to be misbranded (1) in that the statements, "Vitamin B₁ * * * 9-10 Units per Gram (International) Protein—37% * * * Carbohydrate (by difference) 48.5 * * * Wheat Germ Oil * * * 5.5," were false as applied to an article that contained a smaller amount of vitamin and protein content; (2) in that the statement, "Each Tablespoon of Dr. Ray 'Wheat Embryo' is equivalent in Vitamin B₁ Potency to approximately Eight Cakes of Regular Moist Compressed Yeast," was false since it would not furnish as much vitamin B₁ as is contained in 8 cakes of yeast; and (3) in that the statement on the label, "When indicated in Gastro-Intestinal Disorders, Dr. Ray Wheat Embryo should be cooked in with cereal for five minutes," was false and misleading, since it would imply that the article was of significant value in the treatment of all types of gastro-intestinal disturbances, when in fact, it was not.

The article was also charged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices.

On June 15, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FLAVORS AND SPICES

3843. Misbranding of vanilla extract. U. S. v. 76 Dozen Cartons of Extract of Vanilla. Decree of condemnation. Product ordered released under bond for the purpose of repackaging. (F. D. C. No. 7511. Sample No. 73651-E.)

The cartons containing this product were exceptionally large, the bottle occupying not more than 26.30 percent of the capacity of the carton.

On or about May 18, 1942, the United States attorney for the Western District of Missouri filed a libel against 76 dozen cartons of extract of vanilla at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about October 29, 1941, and January 27, 1942, by the Twenhofel Manufacturing