

29699. Vapacaps capsules. (F.D.C. No. 49994. S. No. 8-186 A.)

QUANTITY: 315 100-capsule btl., at Olney, Md., in possession of Lamb & Berlin, Inc.

SHIPPED: 11-24-59, from New York, N.Y.

LABEL IN PART: (Btl.) "Capsules Vapacaps Multivitamin-Mineral Capsules with Iron-Calcium-Vitamin B12 Sole Distributors Lamb & Berlin, Inc. Pharmaceuticals Silver Spring Maryland Dosage: As Dietary supplement One Vapacap daily \* \* \* each Vapacap contains \* \* \* Folic Acid 0.34 Mg."

RESULTS OF INVESTIGATION: The article was repacked by the dealer from bulk stock.

LIBELED: 4-22-64, Dist. Md.

CHARGE: 402(a)(2)(C)—while held for sale, the article contained a food additive, folic acid, which was unsafe within the meaning of 409, since it and its use or intended use were not in conformity with a regulation or exemption.

DISPOSITION: 6-8-64. Default—destruction.

29700. P&T Vitamin Premix Concentrate. (F.D.C. No. 50036. S. No. 39-830 A.)

QUANTITY: 38 bags at Oklahoma City, Okla.

SHIPPED: 2-7-64, from Fort Worth, Tex., by Ray Ewing Co.

LABEL IN PART: (Bag) "Hammond P&T Vitamin Pre Mix Concentrate \* \* \* Manufactured by The Ray Ewing Company, Pasadena, California Division of Hoffman-LaRoche, Inc."

ACCOMPANYING LABELING: Specification sheet reading in part "Guaranteed Potencies Per Pound—Riboflavin, Mg. 1,200."

RESULTS OF INVESTIGATION: Analysis showed article contained less than 75 percent of declared amount of riboflavin per pound.

LIBELED: 4-3-64, W. Dist. Okla.

CHARGE: 402(b)(1)—when shipped, the valuable constituent of the article, riboflavin, had been in part omitted or abstracted; and 403(a) the label statement "Guaranteed Potencies Per Pound—Riboflavin, mg., 1,200" was false and misleading as applied to a product containing less than the declared amount of the ingredient.

DISPOSITION: 5-1-64. Default—ordered delivered to a public institution for use as animal food.

## INDEX TO NOTICES OF JUDGMENT F.N.J. NOS. 29601 TO 29700

### PRODUCTS

	N.J. No.		N.J. No.
Alfalfa hay	29651	Bran	29630
Animal feeds	<sup>1</sup> 29635	Bread crumbs	29632
Apple butter	<sup>2</sup> 29672	Broccoli, frozen	29676
Barley	29610	Cake mix	29632, 29634
Beans, dried	<sup>1</sup> 29635	Cal-Re-Low dietary supplement	29693
garbanzo	<sup>2</sup> 29614	Candy. See Confectionery.	
lima, dried	<sup>2</sup> 29614	Catsup, tomato	29685
navy, dried	29682	Cereals and cereal products	29601-29637
pinto, dried	29631, 29678-29680	Cinnamon	29687
white, dried	<sup>2</sup> 29614		

<sup>1</sup> (29635, 29650, 29689) Injunction issued.

<sup>2</sup> (29614, 29672) Seizure contested.

**U.S. Department of Health, Education, and Welfare**  
**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]

29701-29800

**FOODS**

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were alleged to be adulterated or misbranded within the meaning of the Act, when introduced into and while in interstate commerce, or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings in which decrees of condemnation were entered after default or consent, or in which, in one case, after trial by the court, the article was found to be not violative and such finding was affirmed upon appeal; (2) criminal proceedings which were terminated upon pleas of guilty and nolo contendere, and in which, in one case, the United States Supreme Court upheld a criminal information charging an offense under the Act; and (3) an injunction proceeding in which a consent decree of permanent injunction was entered. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal and injunction proceedings against the *firms* or *individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D.C., *March 29, 1965.*

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**SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN ALLEGED VIOLATIONS REPORTED IN F.N.J. NOS. 29701-29800**

*Adulteration*, Section 402(a) (1), the article contained a poisonous or deleterious substance which might render it injurious to health; Section 402(a) (2) (B), the article was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of Section 408(a); Section 402(a) (2) (C), the article contained a food additive which was unsafe within the meaning of Section 409; Section 402(a) (3), the article consisted in whole or in part of a filthy, putrid, or decomposed substance, or it was otherwise unfit for food; Section 402(a) (4), the article had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth or might have been rendered injurious to health; Section 402(b) (1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 402(b) (2), a substance had been substituted in whole or in part for the article; Section 402(b) (3), damage or inferiority had been concealed in some manner; Section 402(b) (4), a substance had been added to the article or mixed or packed therewith so as to make it appear better or of greater value than it was; Section 408(a), a poisonous or deleterious pesticide chemical, or a pesticide chemical not generally recognized, among qualified experts, as safe for use, added to a raw agricultural commodity, was deemed to be unsafe because no tolerance or exemption from the requirement of a tolerance for such pesticide chemical in or on the raw agricultural commodity had been prescribed by the Secretary of Health, Education, and Welfare; and Section 409, a food additive was deemed to be unsafe because the food additive and its use or intended use failed to conform to the terms of an effective exemption or because there was not in effect, or the food additive and its use or intended use failed to be in conformity with, a regulation prescribing conditions for safe use.

*Misbranding*, Section 403(a), the labeling of the article was false and misleading; Section 403(e) (2), the article was in package form, and it failed to bear a label containing an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; Section 403(f), a word, statement, or other information required by or under authority of the Act to appear on the label or labeling was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; Section 403(g), the article purported to be or was represented as a food for which a definition and standard of identity had been prescribed by regulations and (1) it failed to conform to such definition and standard; and (2) its label failed to bear, as required by regulations, the common name of certain optional ingredients present in such food; Section 403(h) (1), the article purported to be or was represented as a food for which a standard of quality had been prescribed by regulations, and its quality fell below such standard; Section 403(i) (2), the article was not subject to the provisions of Section 403(g) and the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each such ingredient; Section 403(j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information concerning its vitamin, mineral, and other dietary properties as the Secretary had determined to be, and by regulation prescribed as, necessary in order fully to inform purchasers as to its value for such uses; and Section 403(k), the article contained an artificial coloring or artificial flavoring and failed to bear labeling stating that fact.