

**30092. Salt.** (F.D.C. No. 51028. S. Nos. 40-012/13 A, 40-015 A.)

**INFORMATION FILED:** 3-15-65, S. Dist. Tex., against John J. Scogin, t/a Scogin Wholesale Grocery Co., Corpus Christi, Tex.

**ALLEGED VIOLATIONS:** Between 2-20-63 and 4-16-64, while quantities of salt were being held for sale after shipment in interstate commerce, the defendant caused such salt to be placed in a building accessible to rodents and to be exposed to contamination by rodents, which acts resulted in the salt being adulterated.

**CHARGE:** 402(a)(3)—contained rodent urine, rodent excreta pellets, rodent nests, and dead rodents; and 402(a)(4)—held under insanitary conditions.

**PLEA:** Not guilty.

**DISPOSITION:** On 4-30-65, the case came on for trial before the court upon stipulations except as to the issue of whether or not this salt was a food; and after trial, the court found the defendant not guilty.

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

**30093. Clusivets tablets and Clusivol capsules.** (F.D.C. No. 49384. S. Nos. 12-642/3 X.)

**QUANTITY:** 1,440 100-tablet btl. of Clusivets and 1,995 100-capsule btl. of Clusivol, at Niles, Ill.

**SHIPPED:** 6-7-63, from Rouses Point, N.Y., by Ayerst Laboratories, Inc.

**LABEL IN PART:** (Btl. and ctn.) "Clusivets For The Entire Family Multiple Vitamins-Minerals Dosage \* \* \* Ayerst Laboratories Incorporated," "Clusivol For Adults Potent Nutritional Safeguard Rich in Vitamins with Essential Minerals Dosage \* \* \* Ayerst Laboratories Incorporated."

**ACCOMPANYING LABELING:** Package inserts entitled "Insure Better Health For The Entire Family."

**LIBELED:** 10-11-63, N. Dist. Ill.

**CHARGE:** 403(j)—when shipped, the labeling of the articles failed to bear, as required by regulations, a statement of the proportion of the minimum daily requirement for vitamins A, D, C, B<sub>1</sub>, B<sub>2</sub>, and nicotinamide supplied by the articles when consumed in a specified quantity during a period of 1 day, and a statement of the proportion of the minimum daily requirement for iron, calcium, and phosphorous, supplied by the articles when consumed in a specified quantity during the period of one day by pregnant women.

The libel alleged also that the articles were misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 8033.

**DISPOSITION:** 11-18-63. Consent—claimed by American Home Products Corp., for relabeling.

**30094. Dicalcium phosphate wafers.** (F.D.C. No. 47103. S. Nos. 39-741/2 T, 33-413 T.)

**INFORMATION FILED:** 11-8-62, E. Dist. N.Y., against Nysco Laboratories, Inc., Long Island City, N.Y.

**ALLEGED VIOLATIONS:** On 7-6-60, the defendant gave to a local corporation engaged in the business of shipping foods in interstate commerce, an invoice

containing a guaranty that the defendant's dicalcium phosphate wafers were not adulterated within the meaning of the Federal Food, Drug, and Cosmetic Act; and the defendant caused to be delivered packages of adulterated dicalcium phosphate wafers to such local corporation under such guaranty.

On 10-10-60, the defendant shipped from Long Island City, N.Y., to Stillwater, Minn., a drum of adulterated dicalcium phosphate wafers.

The information also alleged violations with respect to the shipment of adulterated drugs as reported in notices of judgment on drugs and devices, No. 8110.

**LABEL IN PART:** (Drum) "NYSCO Laboratories, Inc. \* \* \* Dicalcium Phosphate (Hydrous) Tablets 15 grains \* \* \* For use as a dietary supplement."

**CHARGE:** 402(a)(2)(A)—when shipped, the article contained an added deleterious substance, diethylstilbestrol, which was unsafe within the meaning of 406, since such substance was not required in the production of the article and could have been avoided by good manufacturing practices; 402(a)(4)—the article had been prepared under insanitary conditions whereby it may have been rendered injurious to health; and 402(b)(2)—diethylstilbestrol had been substituted in part for dicalcium phosphate.

**PLEA:** Guilty.

**DISPOSITION:** 12-5-63. \$800 fine on the counts involving foods; \$2,000 total fine.

**30095. Food supplement tablets.** (F.D.C. No. 49886. S. Nos. 60-597/8 X.)

**QUANTITY:** 759 205-tablet boxes and 220 80-tablet boxes at St. Joseph, Mo.

**SHIPPED:** Between 1-1-63 and 1-31-63, from Council Bluffs, Iowa.

**RESULTS OF INVESTIGATION:** Examination showed that the article was more than 33 percent deficient in ascorbic acid.

**LIBELED:** On or about 3-4-64, W. Dist. Mo.

**CHARGE:** 402(b)(1)—while held for sale, the valuable constituent, ascorbic acid, had been in whole or in part omitted or abstracted from 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. 8129.

**DISPOSITION:** 3-12-64. Consent—destruction.

**30096. Vitamin tablets.** (F.D.C. No. 50078. S. Nos. 21-181 X, 44-779 A.)

**QUANTITY:** Approximately 59,900 tablets in a bulk drum, and in 126 100-tablet btl., at Salt Lake City, Utah.

**SHIPPED:** 3-26-63, from Long Island City, N.Y.

**LABEL IN PART:** (Drum) "Each 2 Tablets Contain Menadione 0.1 Mg. For Use as a Dietary supplement" and (btl.) "Vitamin Tablets \* \* \* One (1) Tablet Contains Vitamin K (Menadione) 0.5 mgm. One tablet daily as a dietary supplement."

**LIBELED:** 5-11-64, Dist. Utah.

**CHARGE:** 402(a)(2)(C)—while held for sale, the article contained a food additive, menadione, 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:** 7-13-64. Default—destruction.