

article was fit for human consumption, that the article was not then being marketed by the claimant with the labeling which was challenged in the libel, that such labeling was no longer used by the claimant, and that the claimant believed no useful purpose would be served by contesting the charges of the libel. The article was delivered to a charitable institution.

### OILS AND FATS

28594. Edible oil. (F.D.C. No. 42875. S. Nos. 57-933/4 P.)

QUANTITY: 9 cases, each containing 6 1-gal. cans, at New York, N.Y.

SHIPPED: Prior to 10-22-58, from Reggio Calabria, Italy, by Raffineria Bruzia.

LABEL IN PART: (Can) "Product of Greece HERMES \* \* \* Pure Imported Olive Oil \* \* \* Imported-packed-distributed by Standard Importing Co., Inc., New York, N.Y." and "Nicholas Lekas Corp. Imported 100% Pure Olive Oil \* \* \* Nicholas Lekas Corp. packers and distributors, New York, N.Y. Athens, Greece."

RESULTS OF INVESTIGATION: Examination showed that the article was tea seed oil containing little or no olive oil. The article was prepared from a product in bulk drums represented as refined olive oil which was shipped as described above.

LIBELED: 3-19-59, S. Dist. N.Y.

CHARGE: 402(b)(2)—tea seed oil had been substituted wholly or in part for olive oil when shipped.

DISPOSITION: 5-22-59. Default—destruction.

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

28595. Vitamin-Mineral capsules. (F.D.C. No. 43456. S. No. 55-962 P.)

QUANTITY: 808 unlabeled btls., in cases of 12 btls. each, at Kansas City, Mo.

SHIPPED: 9-27-58, from Long Island City, N.Y.

LABEL IN PART: (Case) "100 capsules Lot No. 38495 Vitamin-Mineral Capsules Each Capsule contains:—4.0 Mgm. Vitamin B<sub>1</sub>—2 Mcgm. Vitamin B<sub>12</sub>."

RESULTS OF INVESTIGATION: Analysis showed that the article contained approximately 75 percent of the declared amount of vitamin B<sub>1</sub> and approximately 57 percent of vitamin B<sub>12</sub>.

LIBELED: On or about 9-28-59, W. Dist. Mo.

CHARGE: 402(b)(1)—while held for sale, the valuable constituents, vitamin B<sub>1</sub> and Vitamin B<sub>12</sub>, had been in part omitted or abstracted from the article; 403(a)—the label statement "Each Capsule contains—4.0 Mgm. Vitamin B<sub>1</sub>—2 Mcgm. Vitamin B<sub>12</sub>" was false and misleading.

DISPOSITION: 1-12-60. Consent—claimed by NYSCO Laboratories, Inc., Long Island City, N.Y., and relabeled.

28596. Celpacbin-Regular (dietary supplement). (F.D.C. No. 47955. S. No. 62-407 T.)

QUANTITY: 31 btls. at Stamford, Conn.

SHIPPED: 4-18-62, from Mount Vernon, N.Y., by Arthrins, Inc.

LABEL IN PART: (Btl.) "Contents 180 Capsules Celpacbin-Regular A Dietary Supplement \* \* \* 6 Capsules Contain: \* \* \* Folic Acid \* \* \* .4 mg. \* \* \*

Treatment Level: 3 or 4 Capsules before or during meals (9 to 12 daily) \* \* \*  
Arthrins, Inc., Mount Vernon, New York."

**LIBELED:** On or about 8-17-62, Dist. Conn.

**CHARGE:** 402(a)(2)(C)—when shipped, the article contained a food additive, folic acid, which was unsafe within the meaning of 409 since it and its use or intended use was not in conformity with a regulation or exemption in effect pursuant to 409.

**DISPOSITION:** 10-8-62. Default—destruction.

**28597. Vitamin-mineral dietary supplement.** (F.D.C. No. 47915. S. Nos. 70-596/8 T.)

**QUANTITY:** 26,000 tablets in 46 drums, 32,600 tablets in 2 drums, 38,000 tablets in 3 drums, 111 labeled ctns. and 29 unlabeled ctns., each containing 12 100-tablet unlabeled vials and 70 unlabeled boxes, each containing 300 28-tablet unlabeled plastic bags, at Minneapolis, Minn., in possession of Minnesota Pharmaceutical Laboratories, Inc.

**SHIPPED** On various dates during 1958, from St. Louis, Mo.

**LABEL IN PART:** (Drum) "Vikings Senior Vitamin-Mineral Dietary Supplement \* \* \* Manufactured for: Minnesota Pharmaceutical Laboratories, Inc., Minneapolis 1, Minnesota"; (ctn.) "Vikings Senior Vitamin-Mineral Dietary Supplement."

**ACCOMPANYING LABELING:** Undetermined quantities of repack labels.

**RESULTS OF INVESTIGATION:** The article in the vials and bags was repacked from the bulk drums. Analysis showed that the article contained approximately 78 percent of the declared amount of vitamin B<sub>1</sub> and approximately 40 percent of the declared amount of vitamin D.

**LIBELED:** 8-1-62, Dist. Minn.

**CHARGE:** 402(b)(1)—while held for sale, valuable constituents, vitamins B<sub>1</sub> and D, had been omitted or abstracted from the article; 403(a)—the label statements (drum and ctn.) "Vitamin D 200 USP units" and "Thiamine HCL 0.75 mg." were false and misleading; and 403(e)—the article (29-ctn. and 70-box lots) failed to bear a label containing (1) the name and address of the manufacturer, packer or distributor; and (2) an accurate statement of the quantity of contents.

**DISPOSITION:** 8-23-62. Consent—claimed by Minnesota Pharmaceutical Laboratories, Inc.; repacked and relabeled.

**28598. Multiple vitamin tablets.** (F.D.C. No. 48284. S. No. 89-240 T.)

**QUANTITY:** 408 30-tablet btl., at Grand Rapids, Mich.

**SHIPPED:** Between 6-13-61 and 8-21-61, from Skokie, Ill.

**LABEL IN PART:** (Btl.) "Therapeutic Multiple Vitamins Each table contains: \* \* \* Vitamin B<sub>12</sub> \* \* \* 5 mcg."

**RESULTS OF INVESTIGATION:** Examination showed that the article contained approximately 74 percent of the declared amount of vitamin B<sub>12</sub>.

**LIBELED:** 11-9-62, W. Dist. Mich.

**CHARGE:** 402(b)(1)—while held for sale, the valuable constituent, namely, vitamin B<sub>12</sub>, was wholly or in part abstracted therefrom; 403(a)—the label statement "Vitamin B<sub>12</sub> \* \* \* 5 mcg." was false and misleading.

**DISPOSITION:** 11-23-62. Consent—destruction.