

CHARGE: 402(a)(3)—contained *E. coli*; and 402(a)(4)—prepared and packed under insanitary conditions.

PLEA: Not guilty by individual; nolo contendere by corporation.

DISPOSITION: 10-11-62. After trial before the court without a jury, the individual was found not guilty; the corporation was fined \$750.

28390. Shelled walnuts. (F.D.C. No. 46962. S. No. 12-158 T.)

QUANTITY: 69 35-lb. cases at Chicago, Ill.

SHIPPED: 11-22-61, from Dundee, Oreg., by Compton Nut Co.

LABEL IN PART: (Case) "Quality Oregon Walnut-Filbert Meats * * * Compton Nut Co. P.O. Box 1 Dundee Oregon."

LIBELED: 2-5-62, N. Dist. Ill.

CHARGE: 402(a)(3)—contained *E. coli* when shipped.

DISPOSITION: 3-21-62. Consent—claimed by Compton Nut Co., and released under bond to be brought into compliance with the law.

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

28391. Rexall Super Plenamins. (F.D.C. No. 44863. S. Nos. 43-373/5 R.)

QUANTITY: 137 cases, 12 8-oz. ctn'd. btls. each of Super Plenamins Junior Liquid Vitamins; 27 cases, 144 36-tablet btls. each, 108 cases, 36 72-tablet btls. each, 19 cases, 24 288-tablet btls. each and 169 cases, 36 144-tablet btls. each, of Super Plenamins Multi Vitamins with Minerals; and 6 cases, 144 36-tablet btls. each, 7 cases, 144 72-tablet btls. each and 9 cases, 72 144-tablet btls. each, of Super Plenamins Junior, at Portland, Oreg.

SHIPPED: Between 10-13-59 and 8-24-60, from St. Louis, Mo., by Rexall Drug Laboratory.

LABEL IN PART: (Btl.) "For Children 1 to 12 years * * * Rexall Super Plenamins Junior Liquid Vitamins 10 Vitamins with Red Vitamin B₁₂ plus L-lysine * * * Rexall Drug Company"; (ctn.) "Rexall Super Plenamins Junior * * * Provide generous amounts of all the vitamins children are known to need for healthy growth (contains L-lysine, a growth-aid cereal diets lack.) * * * Rexall Drug Company"; (btl. and ctn.) "Rexall Super Plenamins Multi Vitamins with Minerals 12 Vitamins and 12 Minerals with B₁₂, Iron plus Liver Concentrate * * * Rexall Drug Company" and "Rexall Super Plenamins Junior 11 Vitamins with B₁₂ plus Iron and Liver Rexall Drug Company."

ACCOMPANYING LABELING: Leaflets entitled "Who Wouldn't Pay A Nickel A Day?," "Free 18 Day Supply Super Plenamins," and "Know Who Makes the Vitamins you BUY?" used in promoting sales of "Super Plenamins Multi Vitamins with Minerals."

LIBELED: 8-25-60, Dist. Oreg.; amended libel 1-26-61.

CHARGE: (Super Plenamins Junior Liquid and Super Plenamins Junior Tablets) 403(j)—when shipped and while held for sale, the articles purported to be and were represented as foods for special dietary uses by reason of their vitamin and mineral content and their labels failed to bear, as required by regulations, the statement "The need for panthenol in human nutrition has not been

*See also Nos. 28302, 28344.

established"; and (Super Plenamins Multi Vitamins with Minerals) 403(a)—the labeling accompanying the article contained representations that the article contained the food equivalents of 5 quarts of fresh milk, 10 to 20 fresh eggs, 16 potatoes, 10 pork chops, 1½ ounces of fresh liver, 1 orange, 1 pound of lima beans, 2 heads of lettuce, 2 cups of fresh green peas, and other foods, which representations were false and misleading since such foods to which the article was compared contained numerous nutritional factors not present in the article; 403(j)—the article purported to be and was represented as a food for special dietary use by reason of its vitamin and mineral content and its label failed to bear, as required by regulations, the statement "The need for nickel, zinc, molybdenum, manganese, cobalt, and panthenol in human nutrition has not been established."

The articles were 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. 6884.

DISPOSITION: 6-8-61. The Rexall Drug & Chemical Co., claimant, having consented to the entry of a decree which declared the articles to be misbranded under 403(j) as alleged in the libel, and the court having found the articles to be misbranded under 403(j) without an adjudication of the other charges of misbranding, judgment of condemnation was entered and the articles were released under bond for relabeling.

28392. Calorie Control food concentrate. (F.D.C. No. 46071. S. No. 47-935 R.)

QUANTITY: 256 cases, containing 12 ctns. of 4 packets each; 68 cases, 120 packets each; 16 cases, containing 36 ctns. of 4 packets each; 1 case containing 10 ctns. of 4 packets each; 250 ctns., 40 packets each; 28 ctns., 20 packets each; 402 ctns., 4 packets each; and 251 packets, at Detroit, Mich.

SHIPPED: 9-22-61 and 11-21-61, from Evanston, Ill., by Corel Distributors.

LABEL IN PART: (Ctn.) "The J. L. Hudson Company deluxe pre-measured Calorie Control food concentrate Four packets provide vitamins, protein, minerals, and 900 calories for dietary weight control 8 ozs. Net Wt. * * * 5 appetizing delicious flavors—Chocolate, Coffee, Butterscotch, Plain, and Root Beer * * * Ingredients:" and (packet) "deluxe pre-measured Calorie Control food concentrate * * * Each Packet—Net Wt. 2 Ozs. * * * Each four packets of Chocolate flavor contain 70 gm (30.8%) of protein. Each four packets of Butterscotch, Coffee, Plain, and Root Beer flavors contain 75 gm. (31.99%) of protein. The J. L. Hudson Company, Detroit, Michigan, Distributors."

ACCOMPANYING LABELING: Leaflets reading in part "deluxe pre-measured Calorie Control food concentrate."

LIBELED: 7-14-61, E. Dist. Mich.

CHARGE: 403(a)—when shipped, the accompanying labeling of the article contained false and misleading representations that 95 percent of the body is made of protein; that the article supplied all the necessary elements of good nutrition; that each packet was the equivalent in nutrition of a full meal; and that the article was a food concentrate.

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. 6887.

DISPOSITION: 10-24-61. Consent—claimed by J. L. Hudson Co., and released under bond for removal of the leaflets from the cartons.