

name of each ingredient since "Protein" was not the specific name of that ingredient; and 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, a statement of the percent by weight of protein, fat, and available carbohydrates in 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. 6614.

DISPOSITION: 4-18-61. Default—destruction.

27897. Vitest vitamin capsules. (F.D.C. No. 45267. S. No. 2-140 R.)

QUANTITY: 1,089 30-capsule btls. at St. Peterburg, Fla., in possession of Silver Rod Vitamin Co.

SHIPPED: Between 10-15-59 and 8-29-60, from St. Louis, Mo., by Shaw Pharmaceutical Co.

LABEL IN PART: (Btl.) "30 Gelets Vitest Vitamin Tested Vitamin Capsules Sugar Free Distributed by Silver Rod Vitamin Co. St. Petersburg 6, Fla. contains 'wonder' citrus bioflavonoids complex a food supplement."

ACCOMPANYING LABELING: Leaflets entitled "Vitest Sugar Free Vitamin Tested Vitamins," "Vitest Vitamin Capsules With CB," "Now New Vitest Capsules," and "How to Start Living and Stop Worrying."

RESULTS OF INVESTIGATION: Upon receipt of the article, the dealer repacked a number of the bottles of the article into shipping containers and placed a number of the above-mentioned leaflets in each container. The leaflets were printed on order of the dealer and used in promoting the sale of the article.

LIBELED: 12-5-60, S. Dist. Fla.

CHARGE: 403(a)—when shipped, the label statement "Contains 'wonder' citrus bioflavonoids complex" was false and misleading since it represented and suggested that the presence of citrus bioflavonoids was of unusual benefit for special dietary uses, whereas, such representation and suggestion was contrary to fact; and the label statement "dl-methionine * * * magnesium * * * copper, potassium * * * need in human nutrition not established" was false and misleading since it was contrary to fact; 403(a)—while held for sale the accompanying labeling of the article contained false and misleading representations that the need for citrus bioflavonoids in human nutrition had been established, that the article contained significant amounts of lipotropic factors for special dietary use, and in comparing the vitamin and mineral content with those of ordinary foods it was usually impossible to obtain an adequate supply of vitamins and minerals in the ordinary diet.

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. 6613.

DISPOSITION: 4-3-61. Default—destruction.

27898. Coldene vitamin tonic with iron. (F.D.C. No. 44918. S. No. 7-501 R.)

QUANTITY: 600 cases of 12 individually cartoned 8-oz. btls. at Norwood, Mass.

SHIPPED: 11-2-59 and 11-3-59, from New York, N.Y., by Mary Scott Rowland, Ltd.

LABEL IN PART: (Btl. and ctn.) "Coldene Vitamin Tonic with Iron * * * giving therapeutic amounts of vitamins important to supplement the diet of

those in run-down conditions. Especially indicated for use in convalescence from colds, flu and similar illness. Each fluid oz. (2 Tablespoonfuls) contains: * * * Riboflavin (B₂) 4 mg. * * * Pharma-Craft Corporation, Distrs. Cranbury, N.J."

ACCOMPANYING LABELING: Leaflet in carton entitled "Coldene Liquid Cold Medicine."

RESULTS OF INVESTIGATION: Examination showed that portions of the article contained approximately 70 percent of the declared amount of riboflavin.

LIBELED: 9-26-60, Dist. Mass.

CHARGE: 402(b) (1)—when shipped and while held for sale, the valuable constituent, riboflavin, had been in part omitted or abstracted from the article; 403(a)—the label statement "Each fluid oz. (2 tablespoonfuls) contain: * * * Riboflavin (B₂) 4 mg." was false and misleading; 403(a)—the label statements "M.D.R. for Niacinamide * * * not established" and "Need in human nutrition for * * * Methionine is not established" were false and misleading since they were contrary to fact; and 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, a statement of the proportion of the minimum daily requirement for vitamins B₁ (thiamine), B₂ (riboflavin), and niacin and niacinamide and iron supplied by the article when consumed in a specified quantity during the period of one day.

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. 6610.

DISPOSITION: 5-15-61. Consent—destruction.

27899. Pearson Sakrin. (F.D.C. No. 43655. S. No. 72-388 P.)

QUANTITY: 99 cases, 36 btls. each, at Atlanta, Ga.

SHIPPED: 9-9-59, from New Providence, N.J., by Pearson Pharmacal Co., Inc.

LABEL IN PART: (Ctn.) "Pearson Sakrin Liquid Sweetener with Exclusive Daramin No Calories! No Sugar! No Salt! No Sodium!" and (btl.) "Pearson Sakrin Super-Concentrated Liquid Sweetener * * * Contents 34 cc."

LIBELED: 11-5-59, N. Dist. Ga.

CHARGE: 403(a)—when shipped, the label statement "Super Concentrated Liquid Sweetener" was false and misleading since the article was an artificial sweetener; 403(f)—the statement of ingredients, required to appear on the label, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use; and 403(i) (2)—the article was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

The libel alleged also that the article was misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 6604.

DISPOSITION: On 1-4-60, Pearsen Pharmacal Co., Inc., appeared and filed an answer to the libel, a claim to the property, and an application for an order removing the cause to the S. Dist. of Fla. On 1-18-60, the claimant's motion to remove was overruled and denied by the court in an opinion which is reported in the notices of judgment on drugs and devices, No. 6604.