

27744. Geriatric Formula food supplement, Aristocrat food supplement, and Aristocrat Extra Daily Requirement food supplement. (F.D.C. No. 44726. S. Nos. 23-236/8 R, 23-043 R.)

QUANTITY: 14 cases, each containing 24 186-tablet boxes of the Geriatric Formula; 16 cases, each containing 10 248-tablet boxes of the Aristocrat food supplement; and 5 cases, each containing 6 boxes of 13 cellophane wrapped 56-tablet units each of the Aristocrat Extra Daily Requirement food supplement, at Omaha, Nebr.

SHIPPED: 2-29-60 and 3-14-60, from Los Angeles, Calif., by Belco Products Corp.

LABEL IN PART: (Boxes) "XDR Geriatric Formula Food Supplement Plus * * * A special formula from 100% Organic or Natural Sources with the exclusive XDR base * * * A special dietary supplement for those over 40 * * * plus reserves of vital blood building factors—iron, copper, cobalt and vitamin B-12 * * * with non-inhibitory intrinsic factor concentrate"; "XDR The Aristocrat Food Supplement * * * A special dietary supplement of vitamins and minerals plus concentrates of natural fruits and vegetables in the exclusive cornucopia base * * * This package contains 62 multiple vitamin tablets and 186 base and mineral tablets * * * From 100% Organic or Natural Sources * * * The Exclusive XDR Base is made from 68 concentrates from natural fruits and vegetables"; and "XDR The Aristocrat Extra Daily Requirement Food Supplement * * * a special formula from 100% Organic or Natural Sources * * * The Exclusive XDR Base is made from 68 concentrates from natural fruits and vegetables * * * Content: 13 Tri-Tainer Units—each containing 14 red vitamin tablets and 42 green mineral and base tablets."

ACCOMPANYING LABELING: Leaflets entitled: "Go ahead . . . kill yourself" and "Here is the story of XDR."

LIBELED: 7-20-60, Dist. Nebr.

CHARGE: All articles. 403(a)—when shipped, the box labels and the accompanying leaflet entitled "Here is the story of XDR" contained statements which represented and suggested that the articles were of extraordinary benefit for special dietary use because they contain an exclusive cornucopia base of 68 important food factors, including concentrates of natural fruits and vegetables, which statements were false and misleading since such food factors were present in the article in insignificant amounts and were of no significant value for such purposes.

Aristocrat Extra Daily Requirement food supplement and Aristocrat food supplement. 403(a)—when shipped, the label statements "from 100% organic or natural sources" and "Vitamin E * * * Need in human nutrition not established" were false and misleading since they were contrary to fact; 403(a)—the labeling of the articles contained representations that food supplies generally available do not contain nutritionally adequate amounts of vitamins and minerals, which representations were false and misleading since they were contrary to fact.

Aristocrat Extra Daily Requirement food supplement. 403(a)—when shipped, the label statement "1-Lysine Monohydrochloride * * * Need in human nutrition not established" was false and misleading since it was contrary to fact.

Geriatric Formula. 403(a)—when shipped, the box label contained the statements "From 100% Organic or Natural sources," "The need in human nutrition for * * * Vitamin E * * * has not been established" and "plus reserves of vital blood building factors * * * cobalt * * * non-inhibitory intrinsic factor concentrate" which statements were false and misleading since they were contrary to fact; 403(a)—the accompanying labeling entitled "Here is the story of XDR" contained the statement "It is devoid of the usual 'shot-gun' pattern of non-essentials" which statement was false and misleading since it was contrary to fact; 403(a)—the box label and the accompanying leaflet entitled "Here is the story of XDR" contained statements which represented that the article was a food supplement for special dietary use, which statements were false and misleading since the article also contained dioctyl sodium sulfosuccinate, a substance intended solely for drug purposes as a stool softener; 403(a)—the box label and accompanying leaflet entitled "Here is the story of XDR" contained representations that the nutritional requirements of adults in middle age and old age are different from adults generally; and that there is a greater nutritional requirement for vitamins and minerals under conditions of stress and strain, which representations were false and misleading since they were contrary to fact; and 403(j)—the article purported to be and was represented for special dietary use by reason of the presence therein of 68 food factors, including concentrates of natural fruits and vegetables, and its label failed to bear, as required by regulations, a statement of the dietary properties upon which such use was based.

The Geriatric Formula food supplement 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. 6485.

DISPOSITION: 12-6-60. Consent—destruction.

27745. Flaked yeast and sunflower seeds. (F.D.C. No. 45016. S. Nos. 8-494/5 R.)

QUANTITY: 148 1-lb. bags of flaked yeast; and 120 12-oz. jars, 134 1-lb. packs, and 4 50-lb. bags of sunflower seeds, at Rochester, N.Y., in possession of Niblack Foods, operating a retail outlet under the name of Dietary Specialties.

SHIPPED: Between 12-31-58 and 3-2-60, from various places outside the State of New York.

LABEL IN PART: (Bag) "Flaked Yeast 1 Lb." and (jar) "Niblack's Vacuum Packed Hulled Sunflower Seeds Raw Packed by Niblack Foods, Rochester 8, New York."

RESULTS OF INVESTIGATION: The flaked yeast and the sunflower seeds were repacked by the dealer from bulk lots shipped as described above.

LIBELED: 10-19-60, W. Dist. N.Y.

CHARGE: Flaked yeast 403(e)(1)—while held for sale, the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and 403(j)—the article purported to be and was represented as a food for special dietary uses by reason of its vitamin content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirement for vitamins B₁, B₂, niacin or niacinamide, supplied by the article when consumed in a specified quantity during the period of one day.