

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.

Sunflower seeds 403(j)—while held for sale, the article purported to be and was represented as a food for special dietary uses by reason of its vitamin, mineral and other dietary properties, and its label failed to bear, as required by regulations, a statement of the proportion of the minimum daily requirement for vitamins A, B₁, C, D, riboflavin, and niacin or niacinamide, and the minerals calcium, phosphorus, iron and iodine, supplied by the article when consumed in a specified quantity during the period of one day; and its label also failed to bear a statement of the number of milligrams of sodium in 100 grams of the article and a statement of the number of milligrams of sodium in an average serving of the article.

The above-mentioned articles, together with certain other 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. 6492.

DISPOSITION: 12-5-60. Consent—claimed by Everett J. Niblack, t/a Dietary Specialties, and relabeled.

27746. Vitamin preparations. (F.D.C. No. 45106. S. Nos. 53-221/7 R.)

QUANTITY: Various quantities of Vigran Multi-Vitamins in bottles of 30 or 100 capsules, Vigran M Vitamin-Minerals in bottles of 30 or 100 tablets, Theragran Squibb Therapeutic Formula Vitamin Capsules in bottles of 30 or 100 capsules, Novogran Squibb Stress Formula Water Soluble Vitamins in bottles of 100 capsules, Theragran M Squibb Vitamin-Minerals for Therapy in bottles of 100 tablets, Theragran Liquid 4 fl. oz. Squibb Therapeutic Formula Vitamin Liquid, and Theragran Junior Squibb Vitamins for Therapy in bottles of 100 capsules, at Cambridge, Mass.

SHIPPED: On various dates prior to 11-8-60, from Brooklyn, N.Y., by E. R. Squibb & Sons, Div. of Olin Matheson Chemical Corp.

ACCOMPANYING LABELING: Booklets entitled "Selling Slants on Vitamins" and "Vitamins and Your Sales Success"; envelope entitled "Questions on the Squibb Vitamin Instruction Course," containing separate sheets headed "Questions—Lesson No. I [or "II," "III," "IV," "V" and "VI"]"; leaflets entitled "All Vitamins are not alike!" and "Take Vitamins in the Summer-time?"; and window-streamers headed "V for Vigran Multi-Vitamins Ask Us About the Vigran Vitality Program."

LBELED: 11-22-60, Dist. Mass.

CHARGE: All articles. 403(a)—when shipped, the above-mentioned booklets, when viewed as a whole, represented and suggested that it is difficult, if not impossible, to obtain adequate nutrition from the diet of ordinary foods due to depleted soil, premature harvesting, faulty storage, processing, overcooking, and chemical destruction, which will result in practically everyone suffering, or being in danger of suffering from inadequate vitamin and mineral nutrition unless a vitamin or mineral supplement is added to the diet, which representations and suggestions were false and misleading since the readily available foods will supply adequate vitamin and mineral nutrition as usually consumed in the ordinary diets, and malnutrition due to inadequate vitamin and mineral intake as supplied by the diet is extremely rare in this country; 403(a)—the above-mentioned booklets also contained statements which represented and suggested that the regular consumption of multiple vitamins and minerals was a suitable corrective for all aspects of inadequate nutrition due to poor eating habits, fad diets, and reducing diets, which statements were false and misleading since continuation of such dietary habits, even with the