CHARGE: 402(a)(2)(C)—when shipped and while held for sale, the article contained a food additive, namely, folic acid, which is unsafe within the meaning of 409.

DISPOSITION: 5-29-61. Consent—claimed by Howell Pharmacal Co., and relabeled.

27547. Hi-Proteen, Super Hi-Proteen, Hi-Proteen Reducing Aids, Multi-Purpose Hi-Proteen, Gain Weight Hi-Proteen, Hi-Proteen Cookies. (F.D.C. No. 44840. S. Nos. 22-925 R, 22-927 R, 23-743/8 R.)

QUANTITY: 6 ctns. and 2 cases, each containing 12 1-lb. ctns., of Hi-Proteen; 6 cases, 12 1,000-tablet ctns. each, of Hi-Proteen Reducing Aids; 10 cases, 12 1-lb. ctns. each, of Multi-Purpose Hi-Proteen; 6 cases, 12 400-tablet ctns. each, 24 1,000-tablet ctns., and 17 cases, 12 1-lb. ctns. each, of Super Hi-Proteen; 2 cases, 12 400-tablet ctns. each, of Gain Weight Hi-Proteen; and 5 cases, 24 8-oz. ctns. each, of Hi-Proteen Cookies, at Tulsa, Okla.

SHIPPED: 4-25-60 and 6-16-60, from York, Pa., by York Barbell Co., Robert C. Hoffman, president.

LABEL IN PART: (Ctn.) "Hoffman's Hi-Proteen Completely New Instant A * * * Health, Energy and Body Building Food * * * One Lb. Net Weight Manufactured by York Barbell Co., York, Pa.," "Hoffman's Hi-Proteen Reducing Aids A New Method of Reducing and Weight Control * * * which has the proper combination of Class A protein, carbohydrates, natural minerals, vitamins and other essential ingredients. * * * Made by Bob Hoffman—York Barbell Co., York Pennsylvania Contents: 1,000 Tablets," "Hoffman's Multi-Purpose Hi-Proteen * * * 1 Pound Net Weight Made by Bob Hoffman—York Barbell Co. York, Pennsylvania," "Hoffman's Super-Hi-Proteen * * * a highly therapeutic agent to be used where more energy and a high degree of protein food quality is desired * * * made by Bob Hoffman—York Barbell Co., York, Pennsylvania," "Hoffman's Gain Weight Hi-Proteen Famous Strength and Muscle Building Tablets made by Bob Hoffman—York Barbell Co., York, Pennsylvania," "Hoffman's Hi-Proteen Cookies * * * contain 5 times as much protein as the incomplete protein contained in the usual cookie * * * made with Hoffman's Hi-Proteen instead of flour, 92.6% of complete protein * * * made for Bob Hoffman, York Barbell Company, York, Pa.," and "Hoffman's Super Hi-Proteen Ingredients More Than 90% Protein * * * made by Bob Hoffman—York Barbell Co., York, Pennsylvania."

RESULTS OF INVESTIGATION: Examination showed that the Super Hi-Proteen contained 68 percent of the declared amount of protein.

LIBELED: 8-10-60, N. Dist. Okla.

CHARGE: Super Hi-Proteen, 402(b)(1)—when shipped, the valuable constituent, protein, had been in part omitted or abstracted from the article; 403(a)—the label statement "Protein* .648 gm. per Tablet * * * Anhydrous" was false and misleading as applied to a product containing less than the declared amount of protein; 403(a)—the label of the article contained false and misleading representations that the article was extraordinarily high in pure protein, that the article would act as a catalyst in the digestion of other proteins, that it contained proteins most like that of the human body, that most physical ailments were the result of a long-time protein deficiency, that the article was adequate and effective to provide health, energy, rich, red blood, healthy tissue, strength and muscles, and that it was adequate and effective to produce a strong athletic physique and to gain weight; and 403(a)—

the label of the article contained statements and designs which represented and suggested that the American diet had little complete protein, the label contained the statements "serves as a catalyst in the digestion of other proteins," "You need predigested, easily assimilated proteins," "Most physical ailments are the result of a long-time protein deficiency," and the label also contained pictures of an athlete and label statements which represented and suggested that the article would build strong muscles and an athletic physique, better bodies, healthy tissue, and rich, red blood, prevent scrawny necks and sunken, sagging, wrinkling faces, and that the article would supply unusual amounts of protein for strength, energy, and body weight for growing children, and for endurance, to overcome fatigue, and for superior health and long, happy life in older people, which statements and designs were false and misleading since they were contrary to fact and the article was not capable of fulfilling the promises of benefit made for it.

Hi-Proteen, 403(a)—when shipped, the label of the article contained statements and designs which represented and suggested that the article was extraordinarily high in protein, was adequate and effective to produce health and unusual quantities of energy, was a restorative to overcome physical and mental fatigue, to live long, happily, and successfully, for relaxing and for sound, restful sleep, that the article was a nerve, muscle and tissue builder, and was a concentrate for providing endurance and the feeling of being refreshed in mind and body, and the label contained pictures of athletes and label statements which represented and suggested that the article would build strong muscles and an athletic physique, which statements and designs were false and misleading since they were contrary to fact and the article was not capable of fulfilling the promises of benefit made for it; and 403(j)—the article purported to be and was represented as a food for special dietary uses by reason of its vitamin and mineral content and its use in the control of body weight, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirement for vitamin A, vitamin B_1, vitamin B_2, vitamin C, vitamin D, 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 a statement of the percent by weight of protein, fat, and available carbohydrates in the article.

Hi-Proteen Reducing Aids, 403(a)—when shipped, the label of the article contained false and misleading representations that the article was extraordinarily high in protein while low in calories, that it was a concentrated, complete, and well-balanced food, that the consumer could live healthfully on the article alone for a month, that the article was an appetite depressant, and that it was adequate and effective for reducing and weight control.

Multi-Purpose Hi-Proteen, 403(a)—when shipped, the label of the article contained statements and designs which represented and suggested that the article was extraordinarily high in protein, was adequate and effective to produce health and unusual quantities of energy, that the article acted as a catalyst in the utilization of incomplete proteins, that it contained proteins most like that of the human body, supplied babies and children with the material they need for energy and growth, was a well-balanced energy-producing and body-building food, that it would preserve one's youth and add happy, useful years to one's life, and the label contained pictures of athletes and label statements which represented and suggested that the article would build strong muscles and an athletic physique, which statements and designs were

false and misleading since they were contrary to fact and the article was not capable of fulfilling the promises of benefit made for it: 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 the regulations, a statement of the proportion of the minimum daily requirement for vitamin A, vitamin B_1, vitamin B_2, vitamin C, vitamin D, 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.

Gain Weight Hi-Proteen, 403(a)—when shipped, the label of the article contained statements which represented and suggested that the article was adequate and effective as a nerve, muscle, and tissue builder, for strength, and to develop a strong physique of an athletic champion, that use of the article would result in gaining weight and rapid growth, that it was extraordinarily high in protein, and its label also contained the statements "Every drop of blood, the organs, glands and their products are made of protein," "A person of average size and activity should have 100 grams of protein daily to gain weight," "Hi-Proteen closely parallels human muscle in Amino acid composition," and "The usual diet is deficient in complete protein," which statements were false and misleading since they were contrary to fact and the article was not capable of fulfilling the promises of benefit made for it; and 403(j)—the article purported to be and was represented as a food for special dietary uses by reason of its vitamin and mineral content and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirement for vitamin A, vitamin B_1, vitamin B_2, vitamin C, vitamin D, 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.

Hi-Proteen Cookies, 403(a)—when shipped, the label of the article contained statements and designs which represented and suggested that the article was extraordinarily high in protein while being low in calories, and that the American diet is low in protein, its label contained the statement "You can eat as many Hi-Proteen cookies as you wish * * * in low calory form," "The Food and Nutrition Board, of the National Research Council, states that 65 grams of protein should be the absolute minimum for people of average size and activity," and "With a Hi-Proteen milk drink, made as recommended, you will have approximately 30 grams of protein," and the label also contained a picture of an athlete and statements which represented and suggested that the article would build strong muscles and an athletic physique, rich blood, melt away fat deposits, normalize the body, and that the article was adequate and effective for reducing and for underweight conditions, which statements and designs were false and misleading since they were contrary to fact and the article was not capable of fulfilling the promises of benefit made for it; and 403(j)—the article purported to be and was represented as a food for special dietary uses by reason of its use in the control of body weight, and its label failed to bear, as required by the regulations, a statement of the percent by weight of fat and available carbohydrates in the article.

DISPOSITION: On 12-27-60, the York Barbell Co., Inc., claimant, having consented, the court entered a decree of condemnation and destruction against the Super Hi-Proteen. As to the other articles involved and pursuant to claimant's motion, the court on 12-27-60, ordered that the case be removed for trial to the United States District Court for the District of New Jersey.

Thereafter, it was learned that such other articles had been unintentionally in good faith, and accidentally sold or otherwise disposed of and their whereabouts were unknown. Accordingly an order was filed on 4-27-61, dismissing without prejudice the libel as to such other articles.

27548. Vitamin-mineral capsules. (F.D.C. No. 45122. S. No. 16-784 R.)

QUANTITY: 51 100-capsule btls. and 107 30-capsule btls. at Indianapolis, Ind., in possession of Nacor Medicine Co.

SHIPPED: Between 5-27-60 and 7-28-60, from Newark, N.J., to Lafayette, Ind., and from there to Indianapolis, Ind.

LABEL IN PART: (Btl.) "Nacor-Vite A High Potency Vitamin with Minerals vitamins A, B_1, B_2, B_6, C and D Plus the Red Vitamin B_{12} and Minerals * * * Distributed by The Nacor Medicine Company, Indianapolis, Ind."

ACCOMPANYING LABELING: Circulars entitled "Can You Banish Those 'Weary Blues' caused by a Nutritional Deficiency?"

RESULTS OF INVESTIGATION: The capsules of the article were shipped in bulk to Lafayette, Ind., as described above, and after arrival there, were repacked and labeled by the Lafayette Pharmacal, Inc., with labels furnished by the Nacor Medicine Co., and then shipped to Indianapolis, Ind. The above-mentioned circulars were printed locally on order of Nacor Medicine Co.

LIBELED: 12-20-60, S. Dist. Ind.

CHARGE: 403(a)—while held for sale, the label of the article contained false and misleading representations that the nutritional requirements for people over age 35 are different from adults generally, that it is impossible to obtain needed nutrients from foods normally consumed and generally available, and that the need in human nutrition for all 20 ingredients of the article had been proven and established; and 403(j)—the article purported to be and was represented as a food for special dietary uses 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 requirements for vitamins A, B_1, B_2, niacinamide, C and D, and the minerals calcium, phosphorus, and iron supplied by the article when consumed in a specified quantity during the period of one day, and its label also failed to bear the statement "The need for calcium pantothenate, choline bitartrate, and inositol in human nutrition has not been established."

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.

DISPOSITION: 2-13-61. Default—destruction.

MISCELLANEOUS FOODS

27549. Frozen turkey dinners. (F.D.C. No. 46142. S. Nos. 8-399/400 R.)

QUANTITY: 2,185 cases, 12 11-oz. pkgs. each, at Pittsburgh, Pa.

SHIPPED: 6-15-61, from Quigley and Manard Peace Bridge, Buffalo, N.Y., by Quaker State Frozen Turkey Dinners.

LABEL IN PART: (Pkg.) "Quaker State Frozen Turkey Dinner * * * Prepared and Packaged by Quaker State Foods Corp., Pittsburgh, Pa."

LIBELED: 8-1-61, W. Dist. Pa.