

supply of natural vitamin B complex as well as vitamins A and D and the vital minerals, calcium, phosphorus, iron, and copper, were false and misleading since the article was not efficacious for such purposes and conditions.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, reported in drugs and devices notices of judgment, No. 1127.

DISPOSITION: On June 3, 1942, Purity Products, Inc., claimant, filed an answer denying that the product was misbranded. On March 25, 1943, the case having come on for trial before the court, the claimant having failed to appear to defend, and the Government having presented its proof, the court, on April 14, 1943, found that the article was misbranded as alleged in the libel. Judgment of condemnation was entered on April 22, 1943, and the product was ordered destroyed.

6591. Misbranding of Vigor 8. U. S. v. 60 Cases of Vigor 8 and 2,000 Leaflets. Default decree of condemnation and destruction. (F. D. C. No. 9806. Sample No. 37662-F.)

LIBEL FILED: April 19, 1943, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about March 23, 1943, by the Royal Products Co., Chicago, Ill.

PRODUCT: 60 cases, each containing 12 10-ounce jars, of Vigor 8, and 2,000 leaflets entitled "Charles D. Kasher's Health and Beauty Chart," at Detroit, Mich.

Examination showed that the article contained dried brewers' yeast, corn flour, corn germ, and wheat germ.

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements, designs, and devices on the labels attached to the jars and in the above-mentioned leaflets were false and misleading since they represented and suggested that the article was of significant nutritional value by reason of the presence of vitamin B₆, vitamin E, and other factors of the B complex as found in brewers' yeast, and the elements potassium, sulfur, sodium, magnesium, copper, zinc, chlorine, and manganese; and that consumption of the product would insure normal functioning of the various organs of the body and would prevent and correct abnormalities of those organs and such disease conditions as cold infection, ulceration, stone formation, cystitis, spasms, cramps, exhaustion, inflammation, paralysis, conjunctivitis, cataract, night blindness, scaliness, dryness and paleness of the skin, skin sores, gum infections, scurvy, loose teeth, and diabetes, whereas the article was not of significant nutritional value by reason of the presence of the vitamins, factors, and elements mentioned, and consumption of the product would not insure normal functioning of the various organs of the body and would not prevent or correct abnormalities of those organs or the disease conditions mentioned and suggested.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices, No. 1078.

DISPOSITION: July 16, 1943. No claimant having appeared, judgment of condemnation was entered and the product and the leaflets were ordered destroyed.

6592. Misbranding of Vita Sert (candy). U. S. v. 367 Cases of Vita Sert. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 10453. Sample No. 11550-F.)

LIBEL FILED: August 23, 1943, Northern District of California.

ALLEGED SHIPMENT: On or about July 20, 1943, by the Cook Chocolate Co., from Chicago, Ill.

PRODUCT: 367 cases, each containing 12 boxes of 24 bars each, of Vita Sert (candy), at San Francisco, Calif.

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement on the label of the article and on a card enclosed in the boxes containing the bars, "A Bar a Day Supplies Daily Needed Vitamins," was misleading in that it suggested that one bar supplied the minimum daily requirements of each of the vitamins listed, whereas the article supplied not more than three-fourths of the minimum daily requirement of vitamin A, not more than two-thirds of vitamin B₁, and not more than one-half of riboflavin; and, Section 403 (j), the article purported to be and was represented as a food for special dietary uses

by reason of its vitamins A, B₁, D, riboflavin, and calcium pantothenate content, and its label failed to state, as required by the regulations, the proportion of the minimum daily requirement of vitamins A, B₁, D, and riboflavin contained in a specified quantity of the article, and that the need for pantothenic acid in human nutrition has not been established.

DISPOSITION: May 18, 1944. The Cook Chocolate Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration. The product was subsequently relabeled.

6593. Misbranding of Vitabond Tablets. U. S. v. 63 Cartons of Vitabond Tablets. Default decree of condemnation and destruction. (F. D. C. No. 11881. Sample No. 51278-F.)

LIBEL FILED: February 26, 1944, District of Maine.

ALLEGED SHIPMENT: On or about October 21, 1943, by the Vitabond Vitamin Corporation, from New York, N. Y.

PRODUCT: 63 cartons, each containing 60 packages, of Vitabond Tablets at Portland, Maine.

The article consisted of tablets packed 4 to a cellophane envelope, the cellophane envelope being folded within a leaflet entitled "Vitabond A Vitamin Enriched Spread." Examination of the tablets indicated that they were composed essentially of common table salt, sodium bicarbonate, rennin, and a coal-tar color. Each tablet contained 167 USP units of Vitamin B₁ and 500 micrograms B₂. In the labeling the article was represented to be used in conjunction with butter and milk to make a spread.

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements and designs which appeared in the labeling of the article and which represented and suggested that use of the article as directed would result in a product which had the nutritional and other values of butter, and that the tablets would enrich the resulting spread with substantial quantities of vitamin A, vitamin B₁, vitamin D, vitamin B₂, calcium, and phosphorus, were false and misleading since the product made with the tablets did not have the same nutritional value as butter, but was in fact a product containing water in substantially greater proportion than that present in butter, with a correspondingly lower nutritional value; and the tablets did not contribute substantial quantities of vitamins or minerals to the spread; Section 403 (f) the common or usual name of each ingredient, the name and place of business of the manufacturer, packer, or distributor, and a statement of the quantity of the contents, were not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render them likely to be read by the ordinary individual under customary conditions of purchase, since such information appeared on the inside of the leaflet label, whereas it should have appeared on the principal display portion of the leaflet label; and, Section 403 (j), the article purported to be a food for special dietary use by man by reason of its vitamin A, vitamin B₁, vitamin B₂, vitamin D, calcium, and phosphorus content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of such vitamins and minerals furnished by a specified quantity of the product customarily or usually consumed during a period of 1 day, or a quantity reasonably suitable for and practicable of consumption within such period.

DISPOSITION: March 9, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6594. Misbranding of Vitality Vitamins. U. S. v. 41 Cartons of Vitality Vitamins. Default decree of condemnation and destruction. (F. D. C. No. 9408. Sample No. 13263-F.)

LIBEL FILED: March 13, 1943, Western District of Washington.

ALLEGED SHIPMENT: On or about December 31, 1942, from Chicago, Ill., by the Belmont Laboratories.

PRODUCT: 41 cartons, each containing 20 boxes of 7 capsules each, of Vitality Vitamins, at Seattle, Wash.

LABEL, IN PART: "Vitality Vitamins Contain Vitamins A·B₁·D·G(B₂)."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), certain statements on the cartons and individual boxes and in a circular entitled "Know Your Vitamins," inserted in each carton, were false and misleading since they represented and