

DISPOSITION: April 28, 1943. No claimant having appeared, judgment of condemnation was entered and it was ordered that the product and the circulars be destroyed.

**6789. Misbranding of candy. U. S. v. 7% Cases of Candy. Default decree of condemnation and destruction. (F. D. C. No. 11910. Sample No. 65559-F.)**

**LABEL FILED:** On or about March 8, 1944, District of Oregon.

**ALLEGED SHIPMENT:** On or about January 29, 1944, by the Evans Novelty Co., from Chicago, Ill.

**PRODUCT:** 7% cases, each containing 48 1-pound packages, at The Dalles, Oreg.

This product was short weight.

**LABEL, IN PART:** "Caramels 'Plus'."

**VIOLATIONS CHARGED:** Misbranding, Section 403 (a), the statement which appeared on the label, "Net Weight One Pound," was false since it was incorrect; and the statement in the leaflet enclosed within the retail package, "the addition of various Vitamins and Minerals to protect your health by increasing your resistance to illness" was false and misleading in that it represented and suggested that use of the product would increase resistance to disease, whereas it would not; Section 403 (e) (2), the product was food in package form and its label failed to bear an accurate statement of the quantity of contents; Section 403 (j), the product was represented as a food for special dietary uses by man by reason of its vitamin A, vitamin B<sub>1</sub>, vitamin B<sub>2</sub>, vitamin D, calcium, magnesium, potassium, iron, 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 vitamins A, B<sub>1</sub>, B<sub>2</sub>, and D, the minerals, calcium, iron, and phosphorus, and the quantity of magnesium and potassium supplied by a specified quantity of the product customarily or usually consumed during a period of 1 day; and it failed to bear a statement that the need for magnesium in human nutrition has not been established.

DISPOSITION: September 18, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**6790. Misbranding of Curley vitamin tablets. U. S. v. 102 Bottles of Curley Cal-Pans Vitamins and 102 Bottles of Curley Bu-T-Caps Vitamins. Default decree of condemnation and destruction. (F. D. C. No. 10013. Sample Nos. 20488-F, 20489-F.)**

**LABEL FILED:** May 27, 1943, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about April 21, 1943, from Philadelphia, Pa., by the Curley Distributing Co.

**PRODUCT:** 102 bottles of Curley Cal-Pans Vitamins and 102 bottles of Curley Bu-T-Caps Vitamins, each bottle containing 30 tablets, at Boston, Mass.

**LABEL, IN PART:** (Cal-Pans) "Calcium Pantothenate 10 Mgm. each"; (Bu-T-Caps) "Vitamin A \* \* \* 5,000 USP Units Vitamin D (Viosterol) \* \* \* 1,000 USP Units Vitamin C (Ascorbic Acid) \* \* \* 500 USP Units Vitamin B<sub>1</sub> (Thiamin Chloride) \* \* \* 500 USP Units Vitamin B<sub>2</sub> (Riboflavin) \* \* \* 1,000 Gamma Vitamin B<sub>6</sub> (Pyridoxine) \* \* \* 200 Gamma Calcium Pantothenate \* \* \* 1,000 Gamma Nicotinic Acid \* \* \* 20 Mgm."

**VIOLATIONS CHARGED:** Cal-Pans Vitamins, misbranding, Section 403 (a), certain statements appearing on a display card entitled "Does Gray Hair Worry You?," and in circulars entitled "Vitamins The Way to Health and Beauty," and "Big Profits for Beauty Shops," were false and misleading since they represented and suggested that the article was effective in preventing the graying of hair or in restoring natural color to gray hair, whereas it was not so effective.

Bu-T-Caps Vitamins, misbranding, Section 403 (a), certain statements appearing in the aforesaid display card and in the aforesaid circulars were false and misleading since they represented and suggested that the article was effective in insuring good health, beauty, and good complexion, or in preventing and correcting such disease conditions or abnormalities as poor teeth, retardation of growth, skin lesions, dry and wrinkled skin, brittle nails, lifeless hair, loss of appetite, liver and kidney ailments, susceptibility to infections, boils, abscesses, night blindness, body malformation, fatigue, loss of appetite, alimentary tract dysfunctions and resultant anemia, neuritis, alcoholic neuritis, beriberi and pellagra, irritability and nervousness, palpitation and enlarged heart, murmurs, difficult breathing, malnutrition, retarded convalescence,

fragile bones, anemia, scurvy, and rickets; Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its vitamin A, D, C, B<sub>1</sub>, B<sub>2</sub>, B<sub>6</sub>, calcium pantothenate, and nicotinic acid content, and its label failed to bear, as the regulations require, a statement of the proportion of the minimum daily requirements for vitamins A, D, C, and B<sub>2</sub> supplied by the article when consumed in a specified quantity during the period of 1 day; it failed to bear a statement of the quantity of vitamin B<sub>6</sub>, calcium pantothenate, and nicotinic acid supplied by a specified quantity of the article which would customarily or usually be consumed during a period of 1 day; and it failed to bear a statement that the need for calcium pantothenate and vitamin B<sub>6</sub> in human nutrition has not been established.

The articles were 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. 1123.

**DISPOSITION:** On July 26, 1943, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

**6791. Adulteration and misbranding of Derbetain Number 3 Tablets. U. S. v. 8 Cases of Derbetain Number 3 Tablets. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11080. Sample No. 57104-F.)**

**LIBEL FILED:** November 10, 1943, Southern District of New York; amended libel on January 28, 1944.

**ALLEGED SHIPMENT:** On or about September 6, 1943, by Dermetics, Inc., Seattle, Wash.

**PRODUCT:** 8 cases, each containing 24 cans, of Derbetain Number 3 Tablets. The article was approximately 50 percent deficient in vitamin D and 35 percent deficient in vitamin A.

**LABEL, IN PART:** "Each tablet contains 200 vitamin A units U. S. P., 15 vitamin B<sub>1</sub> units U. S. P., 35 vitamin D units U. S. P., 5 vitamin G units Sherman-Bourquin."

**VIOLATIONS CHARGED:** Adulteration, Section 402 (b) (2), valuable constituents, vitamins A and D, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the statements "Each tablet contains 200 vitamin A Units U. S. P., \* \* \* 35 vitamin D units U. S. P." were false and misleading; and, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by man by reason of its vitamins A, B<sub>1</sub>, D, and G content, and by reason of its use as a means of regulating the intake of protein, fat, carbohydrate, and calories for the purpose of controlling body weight, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements for the vitamins supplied by the article when consumed in a specified quantity during the period of 1 day; and it failed to bear a statement of the percent by weight of protein, fat, and carbohydrates it contained, and the number of available calories supplied by a specified quantity.

**DISPOSITION:** May 8, 1944. The Heller-Runnels Laboratories, Inc., claimant having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Federal Security Agency.

**6792. Misbranding of DPS Formulae. U. S. v. 11 Bottles of DPS Formula 52, 16 Bottles of DPS Formula 57, 12 Bottles of DPS Formula 58, 11 Bottles of DPS Formula 61, and 25 Bottles of DPS Formula 100. Default decree of condemnation and destruction. (F. D. C. No. 10098. Sample Nos. 15357-F to 15360-F, incl., 36124-F.)**

**LIBEL FILED:** June 25, 1943, District of Colorado.

**ALLEGED SHIPMENT:** From on or about March 23 to May 8, 1943, from the Dartell Laboratories, Los Angeles, Calif.

**PRODUCT:** The above-mentioned quantities of DPS Formulae at Denver, Colo.

**LABEL, IN PART:** (Formula 52) "Ingredients: Fish Liver Oil concentrate, Soya Oil containing lecithin, Wheat germ oil, mixed natural tocopherols, treated linseed oil containing the fatty unsaturates, principally linoleic and linolenic acids \* \* \* Each perle contains not less than Vitamin A \* \* \* 5000 U. S. P. Units Vitamin E (a-tocophoerol activity) 5000 Gammas with 200 Mg. free fatty acids of linseed oil (flaxseed oil) principally linoleic and linolenic acids"; (For-