

as required by the regulations, a statement of the proportion of the minimum daily requirement of minerals (other than iron) supplied by the food, and the statements concerning vitamin B₁ and iron were not set forth in terms of the amount which is reasonably suitable for and practicable of consumption during a period of 1 day, 4 ounces being in excess of that amount.

DISPOSITION: September 29, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

7198. Adulteration and misbranding of Vitasol. U. S. v. Vitasol Corporation. Plea of guilty. Fine of \$500 on count 1; sentence suspended on count 2, and defendant placed on probation for 2 years. (F. D. C. No. 7731. Sample No. 69503-E.)

INFORMATION FILED: April 3, 1943, Eastern District of New York, against the Vitasol Corporation, Brooklyn, N. Y.

ALLEGED SHIPMENT: On or about July 15, 1941, from the State of New York into the State of Connecticut.

LABEL, IN PART: "Vitasol The 6-V Health Builder."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), valuable constituents, vitamin A, vitamin B₁, phosphorus, and iron had been in whole or in part omitted or abstracted from the article.

Misbranding, Section 403 (a), certain statements regarding the vitamin and mineral content of the article, appearing on its label, were false and misleading, since they represented that the article contained approximately 1,000 U. S. P. Units Vitamin A per ounce, approximately 40,000 U. S. P. Units Vitamin A per 2½ pounds, approximately 150 International Units Vitamin B₁ per ounce, approximately 6,000 International Units Vitamin B₁ per 2½ pounds, approximately 0.0067 gram of iron per ounce, and 0.170 gram of phosphorus per ounce, whereas the article contained less than the approximate amounts of vitamins A and B₁, iron, and phosphorus represented; the statements on the label of the article, "Vitasol * * * Health Builder * * * Dedicated to the Betterment of Health * * * Vitamin A is vital to eyesight. Vitamins B₁, B₂ (G) stimulates the appetite, aids digestion. Vitamin C. Favors good bone and tooth formation, prevents scurvy. The 'Sunshine Vitamin D' is important to general health, utilizes calcium and phosphorous in building strong teeth and bones. Organic Iron helps increase red corpuscle growth. Yeast as an aid to good blood and body functions. Dextrose for restoring energy. Soy Bean rich in protein (strength food). * * * Vitasol * * * health builder * * * quick revitalizing food for all active adults. Vitamins Vigor Vitality," were misleading since they suggested that the article would prevent scurvy, and that impaired health, poor eyesight, poor appetite and digestion, poor teeth and bones, general ill health, inadequate red corpuscle growth, poor functioning of the blood and body, low energy, weakness, poor health, and lack of vitality and vigor were frequently caused by lack of the vitamins and other substances named, and that the reader might reasonably expect that the article would be efficacious in the prevention of scurvy and in conditions of impaired health as above described, whereas the article would not prevent scurvy, and the conditions of impaired health as described are not frequently caused by lack of the vitamins and other substances named in the labeling, but usually result from other causes, and the reader might not reasonably expect the article to be efficacious to prevent scurvy or better such conditions of impaired health; and the statements, "Vitasol * * * prepared to provide a wide variety of protecting food elements (not available in the ordinary diet) essential to abundant vitality and health," borne on the article's label, were false and misleading since the article would not provide a wide variety of protecting food elements not available in the ordinary diet and which are essential to abundant vitality and health.

The article was also alleged to be adulterated and misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1208.

DISPOSITION: April 22, 1943. A plea of guilty having been entered on behalf of the defendant to the 2 counts of the information, the court imposed a fine of \$500 on count 1, and suspended sentence and placed the defendant on probation for 2 years on count 2.