7342. Misbranding of Class' Vitamin, Mineral and Herb Formula. U. S. v. 10¾ Cases of Class' Vitamin, Mineral and Herb Formula. Default decree of condemnation and destruction. (F. D. C. No. 11065. Sample Nos. 53443–F, 53470–F.)

LIBEL FILED: November 8, 1943, Southern District of West Virginia; amended libel filed November 30, 1943, to cover the seizure of an additional lot of 24 cases.

ALLEGED SHIPMENT: On or about August 19 and 25, 1943, from Dayton, Ohio, by the Granville Class Laboratories.

PRODUCT: 34¾ cases, each full case containing 24 8-ounce bottles, of the above-named product, at Charleston, W. Va.

Examination disclosed that the article was a mixture of water, glycerin and alcohol containing caffeine, phosphate compounds, plant extractives, and a trace of saccharin.

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the name of the article and its labeling were false and misleading since they represented and implied that the article was of value by reason of its vitamin and mineral content, and that it was of value in correcting poor health, nervousness, irritability, and poor appetite by reason of the fact that it contained vitamins, minerals, and herbs, whereas the article was not a significant source of vitamins (with the exception of vitamin B_1) and minerals, it was not of value in correcting the conditions named, nor would its use result in correcting poor health; and, Section 403 (j), the article 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 particular minerals upon which such special dietary uses were based, and a statement of the proportion of the minimum daily requirement or the amount of such minerals supplied by the article when consumed in a specified quantity during a period of 1 day.

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. 1243.

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

7343. Misbranding of Grayvita. U. S. v. 4 Bottles, 2 Bottles, and 6 Bottles of Grayvita (and 2 other seizure actions against Grayvita.) Default decrees of condemnation and destruction. (F. D. C. Nos. 13633 to 13635, incl. Sample Nos. 40158–F, 67839–F, 68225–F.)

LIBELS FILED: Between September 9 and 13, 1944, Western District of Kentucky, Southern District of Ohio, and District of Minnesota.

ALLEGED SHIPMENT: Between the approximate dates of May 28, 1943, and July 25, 1944, by the Carlay Co., Chicago, Ill.

PRODUCT: Grayvita: 4 bottles, each containing 30 tablets, 2 bottles, each containing 100 tablets, and 6 bottles, each containing 250 tablets, at St. Paul, Minn.; 22 bottles, each containing 100 tablets, and 16 bottles, each containing 30 tablets, at Louisville, Ky.; and 19 bottles, each containing 30 tablets, and 30 bottles, each containing 100 tablets, at Cincinnati, Ohio.

LABEL, IN PART: "Grayvita Tablets Each Tablet Contains 10 MGM. of Calcium Pantothenate Combined with 450 Int. Units of Vitamin B_1," or "Grayvita Each tablet contains 20 Milligrams of Calcium Pantothenate."

VIOLATION CHARGED: Misbranding, Section 403 (a), the statements in the circulars and display cards of various portions of the article, entitled "Can Vitamins Change Gray Hair?" or "Information For Clerks and Users Regarding Gray Hair Vitamins Known as Grayvita," which represented and suggested that the article, when used as directed, would be effective in preventing gray hair or restoring natural color to gray hair, were false and misleading since the article, when used as directed, would not be effective for either preventing gray hair or restoring natural color to gray hair.

DISPOSITION: Between October 9 and 26, 1944. No claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.