

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent of the product, thiamine (vitamin B₁), had been in part omitted, since it was labeled as containing 15 milligrams of thiamine per pound, whereas it actually contained not more than 10.9 milligrams.

Misbranding, Section 403 (a), certain label statements were false and misleading in that they represented and suggested that the product contained not less than 15 milligrams of thiamine (vitamin B₁) per pound; that the product would supply sufficient quantities of the vitamin B complex and calcium to correct all deficiencies of these substances in the diet; and that it is ordinarily necessary to supplement the diet with wheat germ or a similar product in order to obtain sufficient vitamins and minerals. The product contained less than 15 milligrams of thiamine per pound; it would not supply sufficient quantities of vitamin B complex and calcium to supply all deficiencies of those substances in the diet; and it is not ordinarily necessary to supplement the diet with wheat germ or a similar product, since the ordinary diet contains sufficient vitamins and minerals for normal nutrition.

Further misbranding, Section 403 (a), the label statement, "anti pellagra factor," following the word "Niacin," was misleading because it created the impression that the product in the quantity ordinarily consumed would be of value in the prevention and treatment of pellagra, whereas it would not be of value for such purposes; and, Section 403 (j), the product purported to be and was represented as a food for special dietary uses by reason of its properties in respect of certain vitamins and minerals, and its label failed to bear, as the regulations require, (1) a statement of the proportion of the minimum daily requirements for thiamine (vitamin B₁), riboflavin (vitamin B₂), iron, calcium, and phosphorus supplied by the product when consumed in a specified quantity during a period of 1 day, (2) a statement of the quantity of niacin present in a specified quantity of the product, and (3) the statement that the need for vitamin E in human nutrition has not been established.

DISPOSITION: June 22, 1945. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$250 on each count, a total fine of \$500.

8494. Adulteration and misbranding of Derbetain No. 3 Tablets. U. S. v. Dermetics, Inc. Plea of guilty. Fine, \$200. (F. D. C. No. 14242. Sample No. 57104-F.)

INFORMATION FILED: March 21, 1945, Western District of Washington, against Dermetics, Inc., Seattle, Wash.

ALLEGED SHIPMENT: On or about September 6, 1943, from the State of Washington into the State of New York.

LABEL, IN PART: "Derbetain No. 3 Tablets Contains a vitamin A and D concentrate of fish liver oils and a special strain of yeast. Each tablet contains 200 vitamin A units U. S. P., 15 vitamin B₁ units U. S. P., 35 vitamin D units U. S. P., 5 vitamin G units Sherman-Bourquin, * * * Biologically Standardized Heller Runnels Laboratories Inc., Los Angeles, California."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), valuable constituents, vitamin A and vitamin D, had been in part omitted or abstracted from the product, since each tablet was represented to contain 200 U. S. P. units of vitamin A and 35 U. S. P. units of vitamin D, whereas each tablet contained not more than 125 U. S. P. units of vitamin A and not more than 17.5 U. S. P. units of vitamin D.

Misbranding, Section 403 (a), the label 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 product purported to be and was represented as a food for special dietary uses by man by reason of its vitamin properties in respect of vitamins A, B₁, D, and G, and by reason of its use as a means of regulating the intake of protein, fat, carbohydrates, or calories for the purpose of controlling body weight, and its label failed to bear, as required by the regulations, (1) a statement of the proportion of the minimum daily requirements for vitamins A, B₁, D, and G which would be supplied by the product when consumed in a specified quantity during a period of 1 day, and (2) a statement of the percent by weight of protein, fat, and available carbohydrates in the product and the number of available calories which would be supplied by the product when consumed in a specified quantity during a period of 1 day.

DISPOSITION: April 23, 1945. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100 on each count, a total fine of \$200.

8495. Adulteration and misbranding of Vetevac Capsules. U. S. v. 70 Boxes of Vetevac Capsules. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 14911. Sample No. 78190-F.)

LABEL FILED: January 8, 1945, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 11, 1944, by the Purity Drug Co., from Passaic, N. J.

PRODUCT: 70 boxes, each containing 100 vitamin capsules, at Philadelphia, Pa. Examination of a sample showed that the article was 45 percent deficient in vitamin B₂ (riboflavin).

LABEL, IN PART: (Boxes) "Vetevac Capsules A—B₁—B₆—C—D—G—E with Liver Concentrate and Iron * * * Thyrole Products Co., 800 Walnut Street, Philadelphia, Pa. Distributors."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B₂ (riboflavin), had been in part omitted from the article.

Misbranding, Section 403 (a), the label statements, "One capsule from each group once a day will provide the minimum daily adult requirement of Vitamins * * * B₂," and "Vitamin B₂ (G) 2000 mcg. (2.0 mg.)," were false and misleading as applied to the article, which contained less than the stated amount of vitamin B₂; and, Section 403 (f), the information concerning its vitamin properties, required by law to appear on the label, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use, since the information appeared on the bottom of the box.

DISPOSITION: March 22, 1945. The Purity Drug Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

8496. Adulteration and misbranding of Multivitamin, Vitamin D Capsules. U. S. v. 50,108 Bottles of Multivitamin Vitamin D Capsules. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 14926. Sample No. 44355-F.)

LABEL FILED: January 3, 1945, Northern District of California.

ALLEGED SHIPMENT: On or about October 4, 1944, by the American Pharmaceutical Co., Inc., from New York, N. Y.

PRODUCT: 50,108 bottles, each containing 100 vitamin D capsules, at San Francisco, Calif.

LABEL, IN PART: (Bottles) "100 Capsules Vitamins, Multivitamin * * * Vitamin 'D' 200 U. S. P. Units."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statement, "Vitamin 'D' 200 U. S. P. Units," was false and misleading since the article contained not more than 140 U. S. P. units of vitamin D per capsule.

DISPOSITION: February 28, 1945. The American Pharmaceutical Co., Inc., 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.

8497. Adulteration and misbranding of vitamin and mineral capsules. U. S. v. 30 Drums of Vitamin Capsules. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14880. Sample No. 67992-F.)

LABEL FILED: December 30, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about June 26, 1944, by the Keith-Victor Pharmacal Co., from St. Louis, Mo.

PRODUCT: 30 drums, each containing from 14,000 to 18,000 vitamin and mineral capsules, at Cincinnati, Ohio.

Examination showed that the article was approximately 25 percent deficient in vitamin B₁ and niacin.

LABEL, IN PART: "Sugar Coated Oval Orange Vitamin and Mineral Spheroid Gelatin Capsules."