

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."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), valuable constituents, vitamin B₁ and niacin, had been in part omitted or abstracted from the product. Misbranding, Section 403 (a), the statements on the labels of the bulk containers, "Three spheroids contain: * * * Vitamin B₁ (Thiamin Chloride USP) 333 USP units . . . 1 mg * * * Niacin, USP . . . 20 mg * * * Three spheroids a day * * * will supply the following percentages of the daily minimum adult requirement of * * * B₁, 100%," were false and misleading as applied to the article, which contained less than the declared amounts of vitamin B₁ and niacin, and which did not supply, in 3 spheroids, 100 percent of the daily minimum adult requirement of vitamin B₁.

DISPOSITION: May 17, 1945. The Celtonsa Medicine Co., Cincinnati, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for re-labeling under the supervision of the Food and Drug Administration.

8498. Adulteration and misbranding of Vitees. U. S. v. 69 Cartons of Vitees. Default decree of condemnation and destruction. (F. D. C. No. 15279. Sample No. 11318-H.)

LIBEL FILED: February 15, 1945, District of Massachusetts.

ALLEGED SHIPMENT: On or about January 26, 1945, by the Vitagram Co., from New York, N. Y.

PRODUCT: 69 cartons, each containing 24 8-tablet boxes, of Vitees at Cambridge, Mass.

Analysis showed that the article was 50 percent deficient in vitamin A.

LABEL, IN PART: "Vitees Chocolate Flavored The Vitamin Candy * * * Each 5¢ Package of Vitees Contains Vitamins A . . . 400 U. S. P. Units B-1 . . . 75 U. S. P. Units C . . . 20 U. S. P. Units D . . . 800 U. S. P. Units E . . . Added G (B₂) Riboflavin 50 Gammas Plus . . . Calcium."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin A, had been in whole or in part omitted or abstracted from the article. Misbranding, Section 403 (a), the label representation that each 5-cent package of the article contained 400 U. S. P. units of vitamin A was false, since each package contained less than 400 U. S. P. units of vitamin A.

Further misbranding, Section 403 (a), the following statements in the labeling created the false and misleading impression that the article would supply significant amounts of all the vitamins needed in human nutrition, whereas it would supply but inconsequential amounts of vitamins A, C, and riboflavin, three of the vitamins essential to man: (Retail package and display carton) "Vitees * * * The Vitamin Candy * * * For Vibrant Vitality (Full O'Vitamins) * * * Get . . . a 'Candy-Kick' out of vitamins Get . . . Your Vitamin-Value out of Candy * * * Vitamin-Enriched"; (display carton only) "Eat Vitees Vitamin Candy."

Further misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its vitamin A, B₁, C, D, E, riboflavin, and calcium content, and its label failed to bear, as required by the regulations, (1) a statement of the proportion of the minimum daily requirements of vitamins A, B₁, C, D, riboflavin, and calcium, and the amount of vitamin E, furnished by a specified quantity of the product when consumed during a period of 1 day, and (2) the statement that the need for vitamin E in human nutrition has not been established.

DISPOSITION: April 2, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8499. Misbranding of American Calcium Pantothenate Tablets. U. S. v. 39½ Dozen Bottles of Calcium Pantothenate Tablets and 100 Booklets. Default decree of condemnation and destruction. (F. D. C. No. 14637. Sample No. 85907-F.)

LIBEL FILED: December 12, 1944, District of Colorado.

ALLEGED SHIPMENT: On or about September 6, 1944, by the American Beauty Products Co., from Chicago, Ill.

PRODUCT: 39½ dozen bottles, each containing 30 calcium pantothenate tablets, and 100 copies of an accompanying booklet entitled "City Catalog No. 80," at Denver, Colo.

LABEL, IN PART: "American Calcium Pantothenate Dextrotory Each tablet contains not less than 10 milligrams Calcium Pantothenate."