

Misbranding, Section 403 (a), (Bagdol) the label statement, "Each tablet contains vitamin B₁ 1½ x M. D. R. 1.5 mg.," was false and misleading since it represented that each tablet of the article contained 1.5 milligrams of vitamin B₁ and would furnish 1½ times the minimum daily requirements for this vitamin, whereas each tablet contained not more than 0.58 milligram of vitamin B₁ and would furnish not more than 58 percent of the minimum daily requirement for vitamin B₁; and (B-Iron) the label statement, "Each tablet contains Vitamin B₁ 1,000 Int. Units * * * 1 tablet furnishes three times the minimum daily requirement of vitamin B₁," was false and misleading since each tablet contained not more than 800 International Units of vitamin B₁ and would furnish not more than 2.40 percent of the minimum daily requirement for this vitamin.

DISPOSITION: December 1, 1945. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100.

9185. Adulteration and misbranding of Vitiliver Capsules. U. S. v. Myron L. Walker Co., Inc. Plea of guilty. Fine, \$500 on count 1; sentence suspended on counts 2, 3, and 4. (F. D. C. No. 15593. Sample Nos. 63385-F, 63910-F.)

INFORMATION FILED: October 2, 1945, Southern District of New York, against the Myron L. Walker Co., Inc., Mount Vernon, N. Y.

ALLEGED SHIPMENT: Between the approximate dates of March 3 and September 21, 1944.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents had been in whole or in part omitted or abstracted from the article since the product in one shipment was represented to contain 0.50 milligram of vitamin B₁ per capsule, but contained not more than 0.24 milligram of vitamin B₁ per capsule; and the product in the other shipment was represented to contain, in each capsule, 100 International Units of vitamin B₁, equivalent to 0.3 milligram of thiamine and 10 Sherman Bourquin Units of vitamin B₂ (riboflavin), but contained not more than 25 International Units of vitamin B₁, equivalent to not more than .069 milligram of thiamine and approximately 2 Sherman Bourquin Units of vitamin B₂ per capsule.

Misbranding, Section 403 (a), the label statements, (portion) "In each capsule * * * Vitamin B₁ (Thiamine Hydrochloride) .50 mg.," and (remainder) "In each capsule * * * Vitamin B₁ (Thiamin 0.3 Mg.) 100 Int. Units Vitamin B₂ (Natural) 10 Sher. Bourq. Units," were false and misleading.

Further misbranding, Section 403 (j), the article purported to be and was represented for special dietary uses by man by reason of its vitamin properties in respect of vitamin B₁, vitamin B₂, vitamin C, vitamin B₆, and all other B complex factors, and by reason of its mineral property in respect of iron, and its label failed to bear, as prescribed by the regulations, a statement of the minimum daily requirements of vitamin B₁, vitamin B₂ (riboflavin), vitamin C, and iron which would be supplied by the article when consumed in a specified quantity during a period of 1 day; and the label did not bear a statement of the quantity of vitamin B₆ and other B complex factors which would be furnished by a specified quantity of the article when consumed during a period of 1 day. Furthermore, the need for vitamin B₆ and factors of the B complex other than vitamin B₁ and vitamin B₂ and niacin not having been established, the label failed to bear, as required by the regulations, the statement that "The need for Vitamin B₆ and factors of the B-complex other than vitamin B₁, B₂ and niacin in human nutrition has not been established.

DISPOSITION: October 11, 1945. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$500 on count 1 and suspended sentence on the other 3 counts.

9186. Misbranding of wheat germ. U. S. v. Ener-G Cereal Corporation. Plea of guilty. Fine, \$25. (F. D. C. No. 15573. Sample No. 74827-H.)

INFORMATION FILED: October 11, 1945, Western District of Washington, against the Ener-G Cereal Corporation, Seattle, Wash.

ALLEGED SHIPMENT: On or about October 10, 1944, from the State of Washington into the State of California.

LABEL, IN PART: "Jolly Joan Analyzed Wheat Germ."