

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements, "Average amount per oz. (28.4 Grams) or 2 heaping tablespoons Vitamin B₁ (U. S. P. or International Units) 414.8 * * * Niacin * * * (Milligrams) 1.95," were false and misleading since 1 ounce (28.4 grams) or 2 heaping tablespoons of the article contained not more than 250 U. S. P. or International Units of vitamin B₁ and not more than 1.33 milligrams of niacin.

Further misbranding, Section 403 (a), the labeling was misleading since the statement, "Contains Vitamins * * * G & E" represented and suggested that the article, when used as directed or as customarily consumed, would supply an appreciable amount of vitamin G, and that the need for vitamin E in human nutrition has been established; and the labeling failed to reveal the fact, material in the light of the above statement, that the article would supply an inconsequential amount of vitamin G and that the need for vitamin E in human nutrition has not been established.

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 A, vitamin B₁, riboflavin, and vitamin E, and by reason of its mineral properties in respect of iron, calcium, and phosphorus, and its label did not bear a statement, as required by regulations, of the proportion of the minimum daily requirements for vitamin A, vitamin B₁, and riboflavin which would be supplied by the article when consumed in a specified quantity during a period of 1 day, nor a statement of the proportion of the minimum daily requirements for iron, calcium, and phosphorus which would be supplied by the article when consumed in a specified quantity during a period of 1 day. Furthermore, the label failed to bear, as required by the regulations, the statement that "The need for vitamin E in human nutrition has not been established."

DISPOSITION: November 12, 1945. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$25.

9187. Adulteration and misbranding of vitamin capsules. U. S. v. 7 Drums of ABDG Capsules. Default decree of condemnation and destruction. (F. D. C. No. 16434. Sample No. 16227-H.)

LIBEL FILED: June 22, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about March 3, 1945, by the Keith-Victor Pharmacal Co., from St. Louis, Mo.

PRODUCT: 7 drums containing 200,000 vitamin capsules at Chicago, Ill. Examination showed that the product contained not more than 50 percent of the declared amount of vitamin B₁.

LABEL, IN PART: "Sugar Coated Brown ABDG Spheroid Gelatin Capsules."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B₁, had been in part omitted from the article.

Misbranding, Section 403 (a), the label statement, "Each Spheroid Contains: * * * Vitamin B₁ (Thiamin Chloride USP) 333 I. U. 1 Mg.," was false and misleading.

DISPOSITION: November 6, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

9188. Misbranding of Hi-Lo Vitamin and Mineral Tablets. U. S. v. 41 Bottles of Hi-Lo Vitamin and Mineral Tablets, and a quantity of printed matter. Default decree of condemnation and destruction. (F. D. C. No. 16639. Sample No. 29574-H.)

LIBEL FILED: June 25, 1945, Northern District of California.

ALLEGED SHIPMENT: By Hi-Lo Products, from St. Louis, Mo. The tablets were shipped on or about July 12, 1944, and February 13, 1945, and the printed matter was shipped on or about May 22, 1944.

PRODUCT: 24 32-tablet bottles, 5 100-tablet bottles, and 12 300-tablet bottles of Hi-Lo Vitamin and Mineral Tablets at San Francisco, Calif., together with 4,000 circulars entitled "Why Run Around in Circles Trying to Get All the Vitamins Needed" and a window display poster entitled "Vitamins and Minerals are Foods."

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements in the labeling of the article were false and misleading. 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. 1791, in which are set forth

the label of the article and the false and misleading statements referred to above.

DISPOSITION: September 29, 1945. No claimant having appeared, judgment of condemnation was entered and the product, together with the printed matter, was ordered destroyed.

9189. Misbranding of Ritamine Capsules. U. S. v. 479 Packages of Ritamine Capsules, and a quantity of printed matter. Default decree of condemnation. Product ordered delivered to a public institution. (F. D. C. No. 16043. Sample No. 2856-H.)

LABEL FILED: April 18, 1945, District of Columbia.

PRODUCT: 144 150-capsule packages, 260 70-capsule packages, and 75 20-capsule packages of Ritamine Capsules, offered for sale by the Vita Health Food Co. at Washington, D. C., together with a number of accompanying leaflets and placards entitled "This Box of Ritamine," leaflets entitled "American Dietaids Company, Inc., Yonkers, N. Y.," and placards entitled "Its Dangerous to diet Without Vitamin-Mineral Insurance."

Examination showed that the product consisted of black capsules and brown capsules. The black capsules contained various vitamins, including vitamin A, vitamin B₁, vitamin B₂, vitamin C, and niacinamide. The brown capsules contained various mineral salts, including calcium, phosphorus, iodine, and iron compounds. The information concerning the vitamin and mineral properties, required by the regulations prescribed under Section 403 (j) as necessary in order fully to inform purchasers as to the value of the product for special dietary uses, was printed inconspicuously on the bottle of the carton.

LABEL, IN PART: "American Dietaids' Ritamine * * * Vitamin and Mineral Capsules * * * American Dietaids Company, Inc., Yonkers, N. Y."

NATURE OF CHARGE: Misbranding, Section 403 (a), the following statements and design in the leaflet and placard entitled "This Box of Ritamine" were false and misleading since the amounts of vitamins and minerals which would be supplied by 35 each of the two types of capsules would not exceed that which would be supplied by hundreds of pounds of the various articles commonly used for food: (Picture of a box containing two groups of 35 capsules each, labeled "Ritamine") "This Box of Ritamine gives you the benefit of All the known needed Vitamins and All the essential Minerals found in hundreds of pounds of fresh vegetables, fruits, milk and other foods [design of a rural scene, including a woman holding a basket of fruits and vegetables]."

Further misbranding, Section 403 (a), the following statements in the placard entitled "It's Dangerous to Diet Without Vitamin Mineral Insurance" were false and misleading since the amounts of vitamins and minerals which would be supplied by 2 capsules of the article would not exceed those which would be supplied by pounds of food selected from various articles commonly used as food: "2 tiny Ritamine Capsules gives you all of 9 Vitamins and 9 Minerals found in Pounds of selected foods without fattening calories or other food elements."

Further misbranding, Section 403 (a), certain statements and designs appearing in the leaflet were misleading since they represented and suggested that the article would supply 8 vitamins and 9 minerals of nutritional importance; that it is difficult, if not impossible, to obtain sufficient vitamins and minerals from a diet of common foods; and that the use of the article would prevent or correct the following conditions: Loss of ability to resist infections, particularly of the ears, eyes, nose, and sinus; unsatisfactory functioning of glands; inability of expectant mothers to nourish the embryonic baby; dryness and scaliness of the skin and loss of its sensitivity to touch; loss of ability to see clearly in a dim light; failure of the muscles of the stomach and intestines to function normally; failure to satisfactorily burn the starch and sugar in the food one eats and turn them into required body fuel; loss of appetite; inability of food to oxidize properly in the tissues; tendency of the blood capillaries to become fragile and bleed; pain around the joints; loose and decayed teeth; failure of nerve impulses to be properly transmitted to the muscles, causing a jumpy nervous system; faulty heart rhythm; failure of the blood to clot well; kidney stones, poor bones, and decaying teeth; loss of tissue tone and unhealthy condition of the skin; digestive disturbances and a tendency toward colitis; cataract, loss of hair, and unhealthy loss of weight; and imperfectly formed and maintained tooth enamel. The article would not supply