

8 vitamins and 9 minerals of nutritional importance; it is not difficult or impossible to obtain sufficient vitamins and minerals from a diet of common foods; and the use of the article would not prevent or correct the diseases, abnormalities, and symptoms stated and implied in the leaflets.

Further misbranding, Section 403 (f), the information required by Section 403 (j) to appear on the label was not prominently placed thereon with such conspicuousness (as compared with other statements on the label) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use, since the required information appeared inconspicuously on the bottom of the cartons.

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. 1684.

DISPOSITION: August 21, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution.

9190. Adulteration and misbranding of multiple vitamin capsules. U. S. v. 66 Boxes and 44 Boxes of Multiple Vitamin Capsules. Default decree of condemnation and destruction. (F. D. C. No. 16707. Sample No. 13648-H.)

LABEL FILED: July 26, 1945, Eastern District of Tennessee.

ALLEGED SHIPMENT: On or about February 8, 1945, by the Rex Vitamin Corporation, from Cleveland, Ohio.

PRODUCT: 66 boxes, each containing 100 capsules, and 44 boxes, each containing 50 capsules, of multiple vitamins at Knoxville, Tenn.

Assay showed that the product was more than 50 percent deficient in vitamins B₁ and C. The information concerning the vitamin properties of the product was printed on the bottom of the box.

LABEL, IN PART: "Soluble Gelatin Capsules Biologically Standardized Optimals Special Formula Multiple Vitamin Capsules."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, vitamins B₁ and C, had been in whole or in part omitted from the article.

Misbranding, Section 403 (a), the label statements, "Each one of these special formula capsules contains * * * Vitamin B₁ (Thiamin Hydrochloride) 10 Mg. (3,330 U. S. P. Units) 10 times daily requirement * * * Vitamin C (Ascorbic Acid) 100 Mg. (2,000 U. S. P. Units) 3½ times daily requirement," were false and misleading as applied to a product which contained less than the stated amounts of vitamins B₁ and C and which would not provide the stated proportions of the minimum daily requirements for such vitamins; and, Section 403 (a), the label statement, "An ultra high potency multiple vitamin capsule containing unusually large amounts of the essential vitamins and the B complex," was misleading as applied to a product which did not supply vitamins A, D and E and niacinamide in amounts greater than those frequently found in vitamin capsules.

Further misbranding, Section 403 (a), the label statements, "Official minimum daily adult requirement (Federal Food and Drug Administration) Vitamin B₁ (Pyridoxine Hydrochloride) Not as yet established, Calcium Pantothenate Not as yet established, Vitamin E (Wheat Germ Oil) Not as yet established," were misleading since they suggested that the need for the stated substance is generally recognized, although the amounts required daily have not been established, whereas the need for such substances in human nutrition has not been established; and, Section 403 (f), information concerning the vitamin properties of the article, prescribed by regulations, was not prominently placed on the label with such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: September 28, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

9191. Adulteration and misbranding of vitamin capsules. U. S. v. 9 Vials of Halibut Liver Oil Capsules and 19 Packages of Vitamin A, B, D, and C Capsules. Default decree of condemnation. Products ordered delivered to a public institution. (F. D. C. No. 15318. Sample Nos. 2707-H, 2709-H.)

LABEL FILED: February 26, 1945, District of Columbia.

ALLEGED SHIPMENT: On or about February 3, 1942, and October 11, 1943, by the Burrough Brothers Manufacturing Co., from Baltimore, Md.

PRODUCT: 9 vials of halibut liver oil capsules and 19 packages of vitamins A, B, D, and G capsules at Washington, D. C.

LABEL, IN PART: "Silver Line Halibut Liver Oil," or "Silver Line Vitamin A, B, D, & G capsules."

NATURE OF CHARGE: *Halibut liver oil capsules.* Adulteration, Section 402 (b) (1), a valuable constituent, vitamin A, had been in part omitted or abstracted from the article. Misbranding, Section 403 (a), the label statements, (vial) "One capsule contains not less than 5000 U. S. P. units of vitamin A" and (carton) "1 capsule contains at least 5000 U. S. P. units of vitamin A," were false and misleading since the product did not contain the stated amount of vitamin A.

Vitamins A, B, D, and G capsules. Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B₁, had been in part omitted or abstracted from the article. Misbranding, Section 403 (a), the label statements, "Each capsule contains not less than * * * Vitamin B₁ (thiamin chloride) 200 U. S. P. units" and "The maximum dose supplies not less than the adult minimum daily requirements of vitamins * * * B₁," were false and misleading since the article did not contain or supply the stated amount of vitamin B₁.

DISPOSITION: April 17, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a public institution.

9192. Misbranding of vitamin B complex tablets and vitamin and mineral tablets. U. S. v. 76 Packages of Vitamin B Complex Tablets, etc. Default decree of condemnation and destruction. (F. D. C. No. 16285. Sample Nos. 6327-H, 6328-H.)

LABEL FILED: May 29, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about January 19, 1945, by the City Food Mart, Fort Atkinson, Wis.

PRODUCT: 76 packages of vitamin B complex tablets, 119 packages of vitamin B complex with added thiamine, and 55 packages of vitamin and mineral tablets at New York, N. Y. Also approximately 50 leaflets entitled "Buoyant Health for All the Family," 50 leaflets entitled "For Your Health's Sake," 6 display racks entitled "Feel Fit as a Major," and 12 circular display cards entitled "Ask for Major-B Brand."

LABEL, IN PART: "Major-B Natural Vitamin B Complex Tablets [1 lot further labeled "with Added Thiamine"]," or "Major Vitamins and Minerals Vitamins A B₁ D with Calcium Phosphorus Iron."

NATURE OF CHARGE: *Vitamin B complex tablets and vitamin B complex tablets with added thiamine.* Misbranding, Section 403 (a), certain statements in accompanying leaflets entitled "Buoyant Health for All the Family" and "Vitamins for Victory," and on the display racks, were false and misleading since they created the impression that the articles would be effective to provide greater energy, steadier nerves, better digestion, improved health and vigor, better appetite, insurance from vitamin deficiencies, physical well-being, and protection against frequent colds, constipation, fatigue, digestive upsets, and other common ills; that they would provide the vitamins found in whole wheat bread, eggs, milk, liver, and tomato juice; that they contained nutritionally significant amounts of all vitamins of the B complex; that there are widespread dietary deficiencies that would be corrected by use of the articles; that ordinary foods are unreliable sources of vitamins; and that it is desirable, if not necessary, to supplement the ordinary diet with such vitamins. The articles would not fulfill the promises of benefit stated and implied, and it is not true that there are widespread dietary deficiencies that would be corrected by use of the articles and that ordinary foods are unreliable sources of vitamins.

Vitamin and mineral tablets. Misbranding, Section 403 (a), certain statements in the leaflet entitled "For Your Health's Sake" were false and misleading since they created the impression that the article would be effective to provide vigor, health, and energy; that it would build resistance to colds; that it would prevent fatigue; that it would be effective in the treatment and prevention of nervousness, improper digestion, poor appetite, loss of weight, constipation, night blindness, premature aging, and poor teeth and gums; that