

VITAMIN PREPARATIONS AND FOODS FOR SPECIAL DIETARY USES

9395. Adulteration of Liv-Fer-B. U. S. v. Sutliff and Case Co., Inc. Plea of nolo contendere. Fine, \$100 and costs. (F. D. C. No. 16535. Sample No. 72386-F.)

INFORMATION FILED: August 11, 1945, Southern District of Illinois, against the Sutliff and Case Co., Inc., Peoria, Ill.

ALLEGED SHIPMENT: On or about July 13, 1944, from the State of Illinois into the State of Missouri.

LABEL, IN PART: "Liv-Fer-B Compound * * * Each fluidounce represents: * * * Thiamin Chloride (Vitamin B₁) 1 mg."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B₁ (thiamine chloride), had been in part omitted or abstracted from the article since it purported and was represented to contain 1 milligram of vitamin B₁ per fluid ounce, whereas it actually contained not more than 0.50 milligram.

The article was also alleged to be adulterated under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1815.

DISPOSITION: September 27, 1945. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$100, plus costs.

9396. Misbranding of Slendret. U. S. v. American Medicinal Products, Inc., and Ernest G. Rurup. Pleas of nolo contendere. Corporation and individual each fined \$1. (F. D. C. No. 12528. Sample No. 41446-H.)

INFORMATION FILED: October 2, 1944, Southern District of California, against the American Medicinal Products, Inc., Los Angeles, Calif., and Ernest G. Rurup, general manager.

ALLEGED SHIPMENT: On or about February 4, 1944, from the State of California into the State of Texas.

PRODUCT: Analysis showed that the product consisted essentially of dextrose with a small amount of starch, flavored with wintergreen.

NATURE OF CHARGE: Misbranding, Section 403 (a), the name "Slendret" on the box label and in an accompanying circular entitled "Slendret Food Method and Regime" was misleading since it represented and suggested that the product would cause the user to become slender and would cause a reduction in the body weight of the user. Further misbranding, Section 403 (a), the name "Slendret" on the box label and certain statements in the accompanying circular were false and misleading since they represented and suggested that the product, because of its composition and characteristics, would be of substantial value in reducing body weight; that it would aid the user to become slender; that it would provide food energy; and that it contained the nutritional factors necessary during reducing to maintain energy and strength and to relieve hunger. The product would not accomplish the results so represented and suggested, and it would provide no nutritional factor other than carbohydrates.

Further misbranding, Section 403 (i), the label did not bear the common or usual name of the food, dextrose.

The information also charged the defendants with giving a false guaranty with respect to, and the shipment in interstate commerce of, Re-Sude-Oids, a misbranded drug, as reported in notices of judgment on drugs and devices, No. 1801.

DISPOSITION: May 14, 1945. Pleas of nolo contendere having been entered on behalf of the defendants, each defendant was fined \$1 on the count charging the shipment of "Slendret." The court also imposed a fine of \$251 against the corporation on the counts relating to the misbranded drug, and fined the individual defendant \$2 on the same counts.

9397. Adulteration and misbranding of Arvimin Formula. U. S. v. 152 Jars of Arvimin Formula. Default decree of condemnation and destruction. (F. D. C. No. 17084. Sample No. 4615-H.)

LIBEL FILED: On or about August 9, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about May 12, 1945, by the Argyle Laboratories, from New York, N. Y.

PRODUCT: 152 12-ounce jars of Arvimin Formula at Atlantic City, N. J.

LABEL, IN PART: "Arvimin Formula 9 Vitamins 12 Minerals."

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

Misbranding, Section 403 (a), the label statements, "Vitamin C (Ascorbic Acid) 40 Mgms, Percentage of daily Requirements 133% * * * Two heaping tablespoonsful will provide * * * 1½ times (the minimum daily requirements of) Vitamin C," were false and misleading since the article contained less than the stated amount of vitamin C, and it would provide less than the stated proportion of the minimum daily requirements for vitamin C.

DISPOSITION: October 5, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

9398. Adulteration and misbranding of Super Multi-Caps (vitamin tablets). U. S. v. 3,453 Bottles of Super Multi-Caps. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 17075. Sample Nos. 14803-H, 16557-H to 16559-H, incl.)

LIBEL FILED: August 24, 1945, Northern District of Ohio.

ALLEGED SHIPMENT: On or about August 10, 1945, by the Eljay Corporation, from Chicago, Ill.

PRODUCT: 1,202 100-tabsule bottles, 331 250-tabsule bottles, 1,037 50-tabsule bottles, and 883 25-tabsule bottles of Super Multi-Caps at Cleveland, Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), the following valuable constituents had been in whole or in part omitted from the article: Vitamins A and D from the 100-tabsule size; vitamin A from the 250-tabsule and 50-tabsule sizes; and vitamin D from the 25-tabsule size.

Misbranding, Section 403 (a), the following label statements were false and misleading: "Each Tabsule Contains Vitamin A 5000 U. S. P. Units, Vitamin D 800 U. S. P. Units * * * Minimum Daily Requirements as provided in each Super Multi-Caps Tabsule Vitamin A 1½ Times, Vitamin D 2 Times." The article did not contain the stated amounts of vitamins, and it did not provide, in the 100-tabsule size, the stated proportion of the minimum daily requirements for vitamins A and D and, in the 250-tabsule and 50-tabsule sizes, the stated proportion of the minimum daily requirements for vitamin A.

Further misbranding, Section 403 (j), the article in the 25-tabsule size purported to be and was represented as a food for special dietary uses by reason of its vitamin A, B₁, C, D, B₂, B₆, E, calcium pantothenate, and niacinamide content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements for vitamins A, B₁, C, D, and B₂, and the amounts of vitamins B₆, E, calcium pantothenate, and niacinamide furnished by a specified quantity of the product when consumed during a period of 1 day; and the label also failed to bear the required statement that the need for vitamins B₆, E, and calcium pantothenate in human nutrition has not been established.

DISPOSITION: March 12, 1946. The Oxford Products, Inc., Cleveland, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling, or disposal in bulk, under the supervision of the Food and Drug Administration.

9399. Adulteration and misbranding of vitamin tablets. U. S. v. 237 Bottles of Vitamin Tablets. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 18426. Sample No. 7343-H.)

LIBEL FILED: November 23, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about July 31, 1945, by Vitamins for Industry, from Los Angeles, Calif.

PRODUCT: 237 bottles of vitamin tablets at Perth Amboy, N. J. Examination showed that the product was 20 percent deficient in vitamin B₁.

LABEL, IN PART: "Aircraft Brand High Potency Diet-Enricher Vitamins."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B₁, had been in part omitted. Misbranding, Section 403 (a), the label statements, "Each Tablet Contains * * * Vitamin B₁ Thiamin Hydrochloride 3 Mg. 1000 U. S. P. % Min. Adult Daily Need 300%," were false and misleading since the product contained less than the stated amount of vitamin B₁, and it did not provide the stated proportion of the minimum daily requirement for such vitamin.