

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, beetles, cast skins, insects, and insect fragments; and, Section 402 (a) (4), (portion only) it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** February 26 and March 11, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered disposed of for use as animal feed.

**VITAMIN PREPARATIONS AND FOODS FOR SPECIAL DIETARY USES**

**10695. Misbranding of Allen's Nijara Capsules. U. S. v. Allen Products Co., Inc., and Marion Allen. Pleas of guilty. Fine, \$75. (F. D. C. No. 10539. Sample Nos. 37131-F, 37143-F, 37149-F.)**

**INFORMATION FILED:** March 24, 1945, District of Columbia, against the Allen Products Co., Inc., Washington, D. C., and Marion Allen, president of the corporation.

**ALLEGED SHIPMENT:** On or about February 24 and March 23, 1943, within the District of Columbia.

**PRODUCT:** Microscopic examination showed that the product consisted essentially of green stem and leaf material, including parsley and water cress.

Vitamin assays showed that each capsule contained less than 5 U. S. P. Units of vitamin A, 4.4 micrograms (0.0044 milligram) of thiamine hydrochloride (vitamin B<sub>1</sub>), 0.5 milligram of vitamin C, less than 4 U. S. P. Units of vitamin D, 9 micrograms (0.009 milligram) of riboflavin, and 86 micrograms (0.086 milligram) of nicotinic acid.

Chemical analysis showed that each capsule contained approximately 4.3 milligrams of calcium, 3.2 milligrams of phosphorus, and 0.4 milligram of iron.

**NATURE OF CHARGE:** Misbranding, Section 403 (a), certain statements in the circulars enclosed in the boxes containing the article were false and misleading since they represented and created the false impression that the article was a new food; that it was a concentrated dietary supplement; and that it would supply the body with the essential minerals and vitamins necessary to replace bodily mineral and vitamin deficiency, which minerals and vitamins are necessary to health. The article when used according to directions would supply not more than one-fifth of the minimum daily requirements for iron, an inconsequential fraction of the minimum daily requirements of the body for such essential vitamins as vitamin A, vitamin B<sub>1</sub>, vitamin C, vitamin D, and riboflavin, and such essential minerals as calcium and phosphorus, and but an insignificant amount of nicotinic acid.

Further misbranding, Section 403 (j), the article purported to be and was represented for special dietary uses by man by reason of its vitamin and mineral properties, and its label did not bear a statement of the dietary properties upon which such use was based in whole or in part, including a statement showing the presence or absence of specific essential minerals and vitamins.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1982.

**DISPOSITION:** June 22, 1945. Pleas of guilty having been entered on behalf of the defendants, the court imposed a total fine of \$75.

**10696. Misbranding of Kia-Tone Mineral Food Supplement. U. S. v. 5 Bottles \* \* \* and a number of circulars. (F. D. C. No. 18165. Sample No. 32247-H.)**

**LIBEL FILED:** November 13, 1945, District of Arizona.

**ALLEGED SHIPMENT:** On or about July 3, 1945, by the Kia-Min Laboratories, from Los Angeles, Calif.

**PRODUCT:** 5 8-ounce bottles of Kia-Tone Mineral Food Supplement at Glendale, Ariz., together with a number of circulars entitled "Man's Rightful Heritage," which had been shipped with the product.

Analysis disclosed that the product consisted of water and an iron compound, very small portions of calcium, aluminum, and magnesium compounds with traces of phosphates and iodides.

**NATURE OF CHARGE:** Misbranding, Section 403 (a), certain statements on the bottle label and in the circulars were false and misleading since they represented and suggested that the article was a tonic, and that it would aid in restoring the mineral balance of the body cells, all of which were false. It was represented also that it would serve as a dietary source of minerals, whereas the only mineral it would supply was iron.

Further misbranding, Section 403 (i), the label of the article failed to bear the common and usual name of each ingredient; and, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by man by reason of its mineral content, and its label failed to bear, as the regulations require, a statement of the proportion of the minimum daily requirement for each mineral supplied by the article when consumed in a specified quantity during a period of 1 day.

**DISPOSITION:** January 18, 1946. No claimant having appeared, judgment of condemnation was entered and the product and circulars were ordered destroyed.

**10697. Misbranding of Min-E-Vita. U. S. v. 11 Cartons \* \* \* and a number of leaflets, booklets, and display cards. (F. D. C. No. 18241. Sample No. 25115-H.)**

**LIBEL FILED:** On or about November 9, 1945, Northern District of Texas.

**ALLEGED SHIPMENT:** On or about May 21, 1945, by Helios Foods, Inc., from Chicago, Ill.

**PRODUCT:** 11 Cartons of Min-E-Vita, 11 leaflets entitled "Why Min-E-Vita?" and 111 booklets and 35 display cards entitled "Min-E-Vita Versus Gray Hair" at Dallas, Tex.

**LABEL, IN PART:** "Min-E-Vita \* \* \* 30 Mineral Tablets \* \* \* Calcium Phosphorus Iron—Sodium Potassium Aluminum Copper—Iodine Magnesium Manganese \* \* \* 30 Vitamin Capsules \* \* \* Each Capsule Contains Not Less Than: Vitamin A—5000 U.S.P. Units Vitamin B<sub>1</sub>—333 U.S.P. Units Vitamin C—600 U.S.P. Units Vitamin D—500 U.S.P. Units Vitamin B<sub>2</sub>—1000 Gammas—Riboflavin Vitamin E—2 Minims, Wheat Germ Oil Plus 10 Milligrams Calcium Pantothenate Anti-Gray Hair Vitamin."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), certain statements on the label of the article and in the accompanying leaflets, booklets, and display cards were false and misleading since they represented and suggested that the article would be effective to restore the original color to gray hair, to insure health and vitality, to build resistance to disease, and to provide essential minerals not readily and easily available from common foods; and that it would be effective in the treatment and prevention of low resistance, frequent colds, hay fever, asthma, pimples, acne, eczema, hyperacidity, acidosis, arthritis conditions, general debility, painful, difficult menstruation, insomnia, nervous disorders, waning sexual vigor, listlessness, fatigue, and digestive and heart disorders. The article would not be effective for those purposes.

Further misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by man by reason of its vitamin and mineral content; and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of vitamins A, B<sub>1</sub>, C, D, and B<sub>2</sub>, and of the minerals, calcium, phosphorus, iodine, and iron supplied by the article when consumed in a specified quantity during a period of 1 day. The label failed also to bear, as required by the regulations, a statement of the quantity of vitamin E, calcium pantothenate, sodium, potassium, aluminum, copper, magnesium, and manganese furnished by a specified quantity of the article, and a statement that the need for vitamin E, calcium pantothenate, aluminum, and manganese in human nutrition has not been established.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1737.

**DISPOSITION:** December 20, 1945. No claimant having appeared, judgment of condemnation was entered and the product, together with the printed matter, was ordered destroyed.