

LABEL, IN PART: "Thompson's Standardized Vitamins Brewers' Yeast Tablets," or "Thompson's Bex A concentrated protein food rich in Vitamin B-Complex."

NATURE OF CHARGE: Thompson's Brewers' Yeast Tablets. Adulteration, Section 402 (b) (1), a valuable constituent of the article, niacin, had been in whole or in part omitted and abstracted from it. One tablet of the article was represented to provide 250 micrograms of niacin, whereas one tablet would provide a smaller amount. Misbranding, Section 403 (a), the label statements "These tablets conform to the following Vitamin potencies * * * niacin (a B-Complex Vitamin) 250 Micrograms" were false and misleading.

Thompson's Bex. Adulteration, Section 402 (b) (1), valuable constituents of the article, vitamin B₁ and niacin, had been in whole or in part omitted and abstracted from it, since 5 grams of the article were represented to provide 250 U. S. P. units of vitamin B₁ and 3,500 micrograms of niacin. Actually, 5 grams of the article would provide smaller amounts of vitamin B₁ and niacin. Misbranding, Section 403 (a), the label statements "Each teaspoonful of Bex (5 grams) contains: 250 U. S. P. Units, Vitamin B₁; 3,500 Micrograms, Niacin" were false and misleading.

DISPOSITION: March 17, 1947. Pleas of nolo contendere having been entered, the court imposed a fine of \$4 against the corporation. The sentence of William T. Thompson was suspended, and he was placed on probation for a period of 5 years, conditioned that he pay a fine of \$1,000 and donate \$10 per month to charity during the 5-year period.

12769. Adulteration and misbranding of multiple vitamin capsules. U. S. v. Vitex Vitamin Corporation, Ben L. Grossberg, and Norman H. Less. Pleas of guilty. Fines of \$200 each against corporation and individual defendants. (F. D. C. No. 20201. Sample No. 13648-H.)

INFORMATION FILED: November 20, 1946, Northern District of Ohio, against the Vitex Vitamin Corporation, formerly trading as the Rex Vitamin Corporation, Cleveland, Ohio, and Ben L. Grossberg, president, and Norman H. Less, vice president, of the corporation.

ALLEGED SHIPMENT: February 8, 1945, from the State of Ohio into the State of Tennessee.

LABEL, IN PART: "Optimals Special Formula Multiple Vitamin Capsules."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents of the article, vitamin B₁, vitamin B₂ (G) (riboflavin), and vitamin C, had been in part omitted and abstracted 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 B₂ (G) (Riboflavin) 4 Mg. (4,000 Gamma) 2 times daily requirement Vitamin C (Ascorbic Acid) 100 Mg. (2,000 U. S. P. Units) 3 1/3 times daily requirement," were false and misleading, since the article contained less than the declared amounts and would supply smaller proportions of the minimum daily requirements for these vitamins than declared.

Further misbranding, Section 403 (a), the label statements, "Official minimum daily adult requirement (Federal Food and Drug Administration) Vitamin B₆ (Pyridoxine Hydrochloride) Not as yet established * * * Calcium Pantothenate Not as yet established * * * Vitamin E (Wheat Germ Oil) Not as yet established," are misleading. These statements represented and suggested and created in the mind of the reader the impression that the need for these vitamins in human nutrition had been generally recognized, although the amounts required daily had not been established. The need for vitamin B₆ (pyridoxine hydrochloride), calcium pantothenate, and vitamin E (wheat germ oil) in human nutrition has not been generally recognized.

Further misbranding, Section 403 (f), certain words, statements, and information required by law to appear on the label of the article were not prominently placed thereon with such conspicuousness as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use. The statements with regard to the vitamins contained in the article, which are required by regulations to appear on the label, appeared on the bottom of the box.

DISPOSITION: February 17, 1947. Pleas of guilty having been entered, the court imposed fines of \$200 each against the corporation and the individual defendants, a total fine of \$600.

12770. Adulteration of vitamin preparations. U. S. v. Victor M. Hermelin (Keith-Victor Pharmacal Co.). Plea of nolo contendere. Fine, \$200. (F. D. C. No. 22078. Sample Nos. 5452-H, 19327-H, 19330-H.)

INFORMATION FILED: On or about June 10, 1947, Eastern District of Missouri, against Victor M. Hermelin, a member of the partnership of the Keith-Victor Pharmacal Co., St. Louis, Mo.

ALLEGED SHIPMENT: Between the approximate dates of January 7 and February 15, 1946, from the State of Missouri into the States of Iowa and Pennsylvania.

PRODUCT: A portion of the products was invoiced as "Sugar Coated Brown A-B-D-G Spheroid Gelatin Capsules," and the remainder of the products was labeled "Sugar Coated Orange Round Nine Vitamin Spheroids."

NATURE OF CHARGE: Sugar Coated Brown Four Vitamin Spheroids. Adulteration, Section 402 (b) (1), valuable constituents, vitamin B₁ and vitamin D, had been in part omitted and abstracted. The article was represented to contain 1 milligram (equivalent to 333 U. S. P. units) of vitamin B₁ and 500 U. S. P. units of vitamin D per capsule, but contained smaller amounts of vitamin B₁ and vitamin D.

Sugar Coated Orange Round Nine Vitamin Spheroids. Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in part omitted and abstracted. The article was represented to contain 1,000 U. S. P. units of vitamin D per spheroid, but contained a smaller amount.

DISPOSITION: October 10, 1947. A plea of nolo contendere having been entered, the court imposed a fine of \$200.

12771. Adulteration and misbranding of Hydil Tablets. U. S. v. 59 Bottles * * *. (F. D. C. No. 22758. Sample No. 66152-H.)

LIBEL FILED: April 9, 1947, District of New Jersey.

ALLEGED SHIPMENT: On or about October 11, 1946, by Lems Laboratories, Inc., from Philadelphia, Pa.

PRODUCT: 31 \$3-size bottles and 28 \$1.50-size bottles of Hydil Tablets at Camden, N. J. Examination showed that the article contained less than the declared amount of niacinamide.

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

Misbranding, Section 403 (a), the label statement "Contains in each tablet * * * niacinamide 5 milligrams" was false and misleading.

DISPOSITION: May 16, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12772. Adulteration and misbranding of vitamin tablets. U. S. v. 3 Bottles, etc. (F. D. C. No. 20233. Sample No. 5452-H.)

LIBEL FILED: June 7, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about February 15, 1946, by the Keith-Victor Pharmacal Co., from St. Louis, Mo. The product was shipped in bulk and relabeled by the consignee.

PRODUCT: 62 bottles containing a total of 29,800 vitamin tablets at Philadelphia, Pa. These tablets contained less than 1,000 units of vitamin D.

LABEL, IN PART: (When shipped, drum) "Sugar Coated Orange Round Nine Vitamin Spheroids Each Spheroid Contains: Vitamins * * * D Activated Ergosterol 1,000 USP Units."

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

Misbranding, Section 403 (a), the label statement "Each Spheroid Contains: Vitamins * * * D Activated Ergosterol 1,000 USP Units" was false and misleading.

DISPOSITION: September 4, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.