

DISPOSITION: February 18, 1949. Default decree of condemnation. The product was ordered delivered to a Federal institution, for use as stock feed.

14894. Adulteration of brazil nuts. U. S. v. 35 Bags \* \* \* . (F. D. C. No. 25958. Sample No. 18655-K.)

LIBEL FILED: November 23, 1948, Southern District of Ohio.

ALLEGED SHIPMENT: On or about October 18, 1948, by Wm. A. Higgins & Co., from New York, N. Y.

PRODUCT: 35 40-pound bags of brazil nuts at Cincinnati, Ohio.

LABEL, IN PART: "Holly New Crop Large Washed Brazil Nuts."

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 insect-infested nuts, and of a decomposed substance by reason of the presence of decomposed nuts.

DISPOSITION: December 10, 1948. Wm. A. Higgins & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation of the fit from the unfit nuts, under the supervision of the Food and Drug Administration. Of the 1,400 pounds seized, 1,217 pounds were segregated as good.

14895. Adulteration of mixed nuts. U. S. v. 445 Cases \* \* \* . (F. D. C. No. 26199. Sample No. 43542-K.)

LIBEL FILED: December 1, 1948, Southern District of Ohio.

ALLEGED SHIPMENT: On or about November 23, 1948, by the Continental Nut Co., from Chico, Calif.

PRODUCT: 445 cases, each containing 24 bags, of mixed nuts at Cincinnati, Ohio.

LABEL, IN PART: "A and P Mixed Nuts—Almonds—Walnuts—Brazils—Pecans—Filberts Net Wt. One Pound."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of rancid and otherwise decomposed brazil nuts, and of a filthy substance by reason of the presence of insect-infested brazil nuts; and it was otherwise unfit for food by reason of the presence of empty shells.

DISPOSITION: December 10, 1948. The Continental Nut Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation of the fit portion from the unfit under the supervision of the Food and Drug Administration. The 10,656 pounds of mixed nuts seized, contained approximately 1,258 pounds of brazil nuts. These were cracked, and 562½ pounds of good nuts were recovered. The shells and unfit nuts were destroyed.

## VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

14896. Adulteration and misbranding of Super Multi-Caps, Multi-Caps, and thiamine chloride tablets. U. S. v. Oxford Products, Inc., Jerome H. Rose, and J. Sanford Rose. Pleas of nolo contendere. Corporation fined \$1,100 and individual defendants each fined \$550, together with costs. (F. D. C. No. 21427. Sample Nos. 955-H, 956-H, 10991-H,

14803-H, 14804-H, 16557-H to 16559-H, incl., 18986-H, 19920-H, 23805-H.)

**INDICTMENT RETURNED:** November 6, 1947, Northern District of Ohio, against Oxford Products Inc., Cleveland, Ohio, Jerome H. Rose, president and treasurer, and J. Sanford Rose, vice president.

**ALLEGED SHIPMENT:** Between the approximate dates of December 14, 1944, and December 31, 1945, from the State of Ohio into the States of Florida, Pennsylvania, Illinois, Minnesota, and Texas.

**LABEL, IN PART:** "Super Multi-Caps Vitamin Guild 9 Vitamins Vitamins A-B<sub>1</sub>-C-D-B<sub>2</sub>(G)-B<sub>6</sub>-E with Calcium Pantothenate and Niacinamide Each Tabsule Contains: Vitamin A 5,000 U. S. P. Units, Vitamin D 800 U. S. P. Units, \* \* \* Vitamin B<sub>1</sub> 1,000 U. S. P. Units"; (on all but 1 shipment of Super Multi-Caps) "Minimum Daily Requirements as provided in each Super Multi-Caps Tabsule Vitamin A 1 $\frac{1}{4}$  Times, Vitamin D 2 Times \* \* \* Vitamin B<sub>1</sub> 3 Times"; "Multi-Caps Vitamin Guild 8 Vitamins Vitamins A-B<sub>1</sub>-C-D-B<sub>2</sub>(G)-B<sub>6</sub> with Calcium Pantothenate & Nicotinamide Each Tabsule Contains Vitamin A 5,000 U. S. P. Units, Vitamin D 800 U. S. P. Units \* \* \* Vitamin B<sub>1</sub> 500 Int'l Units"; and "Thiamin Chloride (Vitamin B<sub>1</sub>) 5 Mg. Equivalent to approx. 1,665 U. S. P. Units per Tablet. Each tablet supplies five times the minimum daily requirements of Vitamin B<sub>1</sub>."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1) fig. 1, (Super Multi-Caps and Multi-Caps) valuable constituents of the foods had been in part omitted. Some of the products were deficient in vitamin A, some deficient in vitamins A, and D, and some deficient in vitamins A, B<sub>1</sub>, and D. Further adulteration, Section 402 (b) (1), (thiamine chloride tablets) a valuable constituent, thiamine chloride (vitamin B<sub>1</sub>), had been in part omitted.

Misbranding, Section 403 (a), (Super Multi-Caps) the labels contained false and misleading statements regarding the amount of certain vitamins present and, except for the product in 1 shipment, the proportion of the minimum daily requirements for such vitamins which the product would supply. Of the 8 shipments, 2 contained less vitamins A, B<sub>1</sub>, and D than declared on the label; 3 contained less vitamins A and D than declared; 2 contained less vitamin A than declared; and 1 contained less vitamin D than declared; and with the exception of 1 shipment, the product contained smaller proportions of the minimum daily requirements for the said vitamins than represented on the label.

Further misbranding, Section 403 (j), (Super Multi-Caps, 1 shipment) the product was represented for special dietary uses by man by reason of its vitamin properties with respect to vitamins A, B<sub>1</sub>, C, D, B<sub>2</sub>, and E, and calcium pantothenate and niacinamide; and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements for vitamins A, B<sub>1</sub>, C, D, and B<sub>2</sub> which would be supplied by the product; a statement of the quantity of vitamin B<sub>6</sub>, vitamin E, calcium, pantothenate, and niacinamide in a specified quantity of the product; and a statement that the need for vitamin B<sub>6</sub>, vitamin E, and calcium pantothenate in human nutrition has not been established.

Further misbranding, Section 403 (a), (Multi-Caps) the labels contained false and misleading statements regarding the amount of certain vitamins present in the products, since 1 shipment contained less vitamins A, B<sub>1</sub>, and D than declared and 1 shipment contained less vitamin A than declared.

Further misbranding, Section 403 (a), (thiamine chloride tablets) the statement regarding the thiamine chloride content of the tablets was false and misleading since the article contained less thiamine chloride than declared on the label and would not supply 5 times the minimum daily requirement for thiamine chloride (vitamin B<sub>1</sub>) as represented on the label.

**DISPOSITION:** January 8, 1948. Pleas of nolo contendere having been entered, the corporation was fined \$1,100 and each individual defendant was fined \$550, plus costs.

**14897. Alleged adulteration and misbranding of Vita-Slim. U. S. v. Orville Z. Dunlap (Industrial Vitamin Co. and Vitamin Industries). Bail bond forfeited and case dismissed. (F. D. C. No. 16558. Sample Nos. 7071-F, 66961-F, 85664-F.)**

**INFORMATION FILED:** January 16, 1946, District of Nebraska, against Orville Z. Dunlap, trading as the Industrial Vitamin Co. and the Vitamin Industries, at Omaha, Nebr.

**ALLEGED SHIPMENT:** On or about February 13, July 26, and August 11, 1944, from the State of Nebraska into the States of Missouri, Kansas, and Colorado.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), valuable constituents of the article, vitamin B<sub>1</sub>, vitamin C, vitamin D, niacin, calcium, phosphorus, iron, and iodine, had been in whole or in part omitted and abstracted from the article.

Misbranding, Section 403 (a), the labeling contained false and misleading statements with respect to the amount of vitamins and minerals supplied by the article, the nutritional significance of the article, and the efficacy of the article for the reduction of weight. 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 with respect to vitamins A, B<sub>1</sub>, B<sub>2</sub>, B<sub>6</sub>, C, D, and E, and calcium pantothenate, and by reason of its mineral properties with respect to calcium, phosphorus, iron, and iodine; and its label did not bear such information concerning its vitamin and mineral properties as had been determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to its value for such uses.

**DISPOSITION:** On January 17, 1946, the defendant was arrested, and at that time he furnished bail in the sum of \$500. When the case was subsequently called for arraignment, it was discovered that the defendant had abandoned all of his business properties and left for parts unknown. A warrant was therefore issued for the defendant's apprehension as a fugitive. On January 15, 1947, an order was entered forfeiting the bail bond. The defendant was not thereafter apprehended, and on June 27, 1949, the case was dismissed.

**14898. Adulteration of United Vitamin B Complex with Iron (tablets). U. S. v. Scott Products Co. (United Vitamin Products). Plea of guilty. Fine of \$500 and costs. (F. D. C. No. 23230. Sample No. 51239-H.)**

**INFORMATION FILED:** December 3, 1947, Northern District of Illinois, against the Scott Products Co., a corporation, trading as United Vitamin Products, at Chicago, Ill.

**ALLEGED SHIPMENT:** On or about June 9, 1946, from the State of Illinois into the State of Minnesota.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), valuable constituents of the article, riboflavin and niacin, had been in part omitted and abstracted