

Flavors (in gallon jugs), and colors. Misbranding, Section 403 (e) (2), the products failed to bear labels containing an accurate statement of the quantity of the contents.

DISPOSITION: August 17, 1949. Default decree of condemnation and destruction.

**16193. Adulteration of dry malt extract and malted milk. U. S. v. Dextora Co. Plea of guilty. Fine, \$250. (F. D. C. No. 28765. Sample Nos. 13630-K, 30215-K, 42846-K, 42922-K, 56621-K.)**

INFORMATION FILED: On or about March 15, 1950, Southern District of Indiana, against the Dextora Co., a corporation, Indianapolis, Ind.

ALLEGED SHIPMENT: Between the approximate dates of May 28 and July 19, 1949, from the State of Indiana into the States of Pennsylvania, California, Illinois, and New York.

LABEL, IN PART: "Duffy's Dry Malt Extract Dextora Company," "Esco Maid Malted Milk Distributed by \* \* \* Eng-Skell Company San Francisco Oakland Los Angeles," "Richelieu Malted Milk Distributed by Sprague Warner Chicago, Ill., "Malted Milk Gold Prize Dist. by Gold Prize Coffee Company Chicago," and "Wizard-Malted Milk Dextora Company."

NATURE OF CHARGE: Adulteration, Section 402 (a) (4), the products had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: April 21, 1950. A plea of guilty having been entered, the defendant was fined \$250.

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

**16194. Misbranding of Improved Min-E-Vita. U. S. v. Helios Foods, Inc., and Harry H. Grahn (Min-E-Vita Products Co.). Pleas of guilty. Fine of \$250 against defendants jointly. (F. D. C. No. 25623. Sample Nos. 47745-H, 48261-H, 15932-K.)**

INFORMATION FILED: January 16, 1950, Northern District of Illinois, against Harry H. Grahn, trading as the Min-E-Vita Products Co., Chicago, Ill., and against Helios Foods, Inc., Chicago, Ill., and Harry H. Grahn, president of the corporation.

ALLEGED SHIPMENT: On or about April 8, 1948, by Harry H. Grahn, trading as the Min-E-Vita Products Co., from the State of Illinois into the State of Michigan; and on or about September 25 and November 21, 1946, by Helios Foods, Inc., and Harry H. Grahn, president, from the State of Illinois into the State of Colorado.

LABEL, IN PART: "Improved Min-E-Vita A Unit Combination of Minerals and Vitamins \* \* \* Contains \* \* \* only the essential elements required in the normal human body. Calcium Potassium Phosphorus Aluminum Iron-Sodium Copper-Iodine Magnesium Manganese \* \* \* 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>-G —1000 Gammas—Riboflavin Vitamin E —2 Minims Wheat Germ Oil —PLUS— 10 Milligrams {Calcium Pantothenate \* \* \*."

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements in the labeling of the article, including leaflets entitled "Persons Who Are Obese"

and "Reduce to Normal," booklets entitled "Min-E-Vita versus Obesity" and "Heliós Formula Min-E-Vita a Valued Agent," and a letter addressed to the consignee of one of the shipments, were false and misleading. The statements represented and suggested that the article would be efficacious in the treatment of borderline anemia, cancer, graying of the hair, wrinkles, colds, hay fever, asthma, pimples, acne, eczema, hyperacidity, acidosis, arthritis, general debility, dysmenorrhea, insomnia, nervous disorders, waning sexual vigor, brittle nails, diabetes, high blood pressure, kidney disorders, heart disease, degenerative conditions, digestive disorders, and sick headache; that the article would insure bouyant health, intensive vitality, and a good complexion; that it would reduce weight to normal, maintain a positive nutritional balance, build resistance to disease, and prevent premature old age; and that the article, by reason of its content of potassium, aluminum, sodium, magnesium, and manganese, was of dietary significance. The article would not be efficacious for the purposes represented, and it had no dietary significance by reason of its content of potassium, aluminum, sodium, magnesium, and manganese.

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 in respect to vitamin A, vitamin B<sub>1</sub>, vitamin C, vitamin D, vitamin B<sub>2</sub>, vitamin E, and calcium pantothenate, and by reason of its mineral properties in respect to calcium, phosphorus, iron, and iodine; and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements for vitamin A, vitamin B<sub>1</sub>, vitamin C, vitamin D, vitamin B<sub>2</sub>, calcium, phosphorus, iron, and iodine, which would be supplied by the article when consumed in a specified quantity during a period of one day; and, further, the label failed also to bear, as required by the regulations, a statement that the need for vitamin E and calcium pantothenate in human nutrition has not been established.

Further misbranding Section 403 (a), (portion of the article) the label statement "Each Capsule Contains Not Less Than: Vitamin B<sub>1</sub>—333 U. S. P. Units Vitamin C —600 U. S. P. Units" was false and misleading since one shipment of the article contained, per capsule, smaller amounts of vitamins B<sub>1</sub> and C than declared.

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. 3055.

DISPOSITION: March 22, 1950. Pleas of guilty having been entered, the court imposed a fine of \$250 against the defendants jointly.

16195. Adulteration and misbranding of vitamin B complex tablets. U. S. v. Elmer J. Dailey (Dailey Laboratories). Plea of not guilty. Tried to the jury. Verdict of guilty. Fine, \$1,000. Sentence of 4 months' imprisonment suspended and defendant placed on probation for 5 years. (F. D. C. No. 27504. Sample No. 40717-K.)

INFORMATION FILED: October 13, 1949, Southern District of California, against Elmer J. Dailey, trading as Dailey Laboratories, San Diego, Calif.

ALLEGED VIOLATION: On or about April 1, 1946, the defendant gave to a firm engaged in the business of shipping food in interstate commerce, at San Diego, Calif., a guaranty to the effect that all products shipped and delivered to the holder of the guaranty would be neither adulterated nor misbranded under the law. On or about April 1, 1949, while the guaranty was in effect, the