

17799. Misbranding of C. M. A. Formula #21 tablets and various articles of drug. U. S. v. Coordinative Medicines Assn., Inc. (C. M. A., Hancock Medicine Co., and Christian Mutual Assn.), Robert E. Davis, and Carrie Davis. Pleas of not guilty. Tried to the court. Verdict of guilty. Corporation fined \$800; Robert E. Davis, \$1,000; and Carrie Davis, \$400. Robert E. Davis and Carrie Davis each sentenced to 2 years in prison; prison sentences suspended and each individual defendant placed on probation for 3 years. (F. D. C. No. 30027. Sample Nos. 51991-K, 51992-K.)

INFORMATION FIELD: February 9, 1951, Southern District of Indiana, against the Coordinative Medicines Assn., Inc., Indianapolis, Ind., also trading under the names of C. M. A., Hancock Medicine Co., and Christian Mutual Assn., and against Robert E. Davis, president, and Carrie Davis, secretary-treasurer of the corporation.

ALLEGED VIOLATION: On or about March 2, 1950, the defendants caused to be introduced into interstate commerce at Indianapolis, Ind., for delivery into the State of Ohio, a quantity of C. M. A. Formula #21 tablets.

On or about October 10 and 27, 1949, Robert E. Davis, president of the corporation and the operator and custodian of its factory at Indianapolis, Ind., refused entry and inspection of the corporation's factory upon the request of an employee of the Food and Drug Administration, which request was made at a reasonable time and in accordance with the provisions of Section 704 of the Act.

LABEL, IN PART: "C. M. A. Formula #21 * * * Dehydrated from pure vegetables containing only organic minerals."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statements "A dietary adjuvant or nutritional supplement, supplying certain Organic Minerals essential to normal body functions" and "Nine tablets supplies daily requirements" were misleading. The article would not supply certain organic minerals which are essential to normal body functions, and 9 tablets of the article would not supply the daily requirements of the body for certain organic minerals which are essential to normal body functions since the article would not furnish significant quantities of any minerals which are essential to normal body functions, except iodine.

Further misbranding, Section 403 (j), the article purported to be and was represented for special dietary uses by man by reason of its mineral properties; and its label failed to bear, as required by regulations, a statement of the minerals contained in the article upon which such uses were based.

Further misbranding, Section 403 (i) (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each ingredient.

The information charged also that various articles of drug were misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices No. 3583.

DISPOSITION: July 20, 1951. Pleas of not guilty having been entered, the case came on for trial before the court without a jury on July 16, 1951. At the conclusion of the trial on July 20, 1951, the court rendered a verdict of guilty on all counts and fined the corporation \$800, Robert E. Davis \$1,000, and Carrie Davis \$400. In addition, Robert E. Davis and Carrie Davis were each sentenced to 2 years in prison. The prison sentences were suspended, however,

and each individual defendant was placed on probation for 3 years, conditioned that each would not violate Federal or State food and drug laws or the State Medical Practices Act.

17800. Adulteration and misbranding of chocolate pudding powder. U. S. v. 86 Cases, etc. (F. D. C. No. 30945. Sample No. 28173-L.)

LABEL FILED: May 10, 1951, Northern District of California.

ALLEGED SHIPMENT: On or about September 1, 1949, from Glenbrook, Conn.

PRODUCT: 242 cases, each containing 24 packages, and approximately 90 loose packages of chocolate pudding powder at San Francisco, Calif.

LABEL, IN PART: (Package) "Fortified With Iron and Vitamin B₁ Chocolate Flavor Net Wt. 4 Ozs. * * * 134 Int. Units Vitamin B₁ Per Oz. * * * supplies * * * over 1/3 the minimum daily requirements of Vitamin B₁, over 1/5 the minimum daily requirements of Calcium * * * based on 4 generous portions per package."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, vitamin B₁ and calcium, had been in part omitted or abstracted from the product.

Misbranding, Section 403 (a), the label statements "134 Int. Units Vitamin B₁ Per Oz. * * * over 1/3 the minimum daily requirements of Vitamin B₁, over 1/5 the minimum daily requirements of Calcium * * *" were false and misleading as applied to a product containing less than the stated amounts of vitamin B₁ and calcium; and the label statements "fortified with iron for red blood and Vitamin B₁ to stimulate appetite, aid digestion and tone up nerves * * * supplies natural Calcium and Phosphorus for sound bones and teeth * * *" were false and misleading since the product was not effective for the purposes stated and implied.

The product was adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: August 8, 1951. Default decree of condemnation and destruction.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 17751 TO 17800

PRODUCTS

	N. J. No.		N. J. No.
Apple, apple-rasperry, and		Chocolate fragments-----	17784
apple-strawberry jelly-----	17779	pudding powder-----	17800
grape jelly-----	17779, 17780	Clove sweepings-----	17784
Apricots, dried-----	17775	Cocoa beans-----	17784
Bakery product-----	17751	Cottonseed meal and cottonseed	
Bread-----	17751	pellets-----	17771
Brewers rice-----	17754	Crab meat-----	17773
Butter-----	17757-17763	Cumin seed-----	17784
C. M. A. Formula #21 tablets-- ¹	17799	Dairy products-----	17757-17767
Cereals and cereal products---	17751-17756	Eggs, frozen-----	17768, 17769
Cheese, grated-----	17764-17766	Elemin tablets-----	17798
Chick-peas, dried-----	17784	Fava beans and chick-peas, dried,	
and fava beans, mixed---	17783	mixed-----	17783
		Feeds and grains-----	17770, 17771

¹ (17799) Prosecution contested.