

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of rodent hairs, feather barbules, cat hair fragments, rodent hair fragments, insect fragments and *E. coli*; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

The information charged also the interstate shipment of adulterated drugs, as reported in notices of judgment on drugs and devices, No. 3666.

DISPOSITION: September 17, 1951. A plea of nolo contendere having been entered, the court fined the defendant \$250 on the counts based on the shipments of an adulterated food. (A fine of \$250 was imposed also on the counts charging the other violations.)

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

17998. Adulteration and misbranding of Special Formula No. 5733-C vitamin capsules. U. S. v. 15,000 Capsules * * *. (F. D. C. No. 31440. Sample No. 34894-L.)

LIBEL FILED: July 18, 1951, Western District of Wisconsin.

ALLEGED SHIPMENT: On or about May 22, 1951, from Baudette, Minn.

PRODUCT: 15,000 Special Formula No. 5733-C vitamin capsules at Eau Claire, Wis.

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

Misbranding, Section 403 (a), the label statement "Each Capsule contains — Vitamin D 250 units" was false and misleading since the article contained substantially less than the declared amount of vitamin D.

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

DISPOSITION: November 20, 1951. Default decree of condemnation. The court ordered that the product be sold to a charitable institution.

17999. Adulteration and misbranding of vitamin tablets. U. S. v. 8 Bottles, etc. (F. D. C. No. 31171. Sample Nos. 16855-L, 16856-L.)

LIBEL FILED: June 6, 1951, Southern District of California.

ALLEGED SHIPMENT: On or about July 28, 1948, and February 4 and 7, 1949, from Chicago, Ill.

PRODUCT: 8 250-tablet bottles and 8 30-tablet bottles of vitamin B complex and 17 60-tablet bottles of super potency vitamin tablets at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, (B complex tablets) vitamin B₁ and (super potency tablets) vitamins A, B₁, C, and D, had been in part omitted or abstracted from the articles.

Misbranding, Section 403 (a), the label statements on the B complex tablets "One tablet daily will supply the following: Vitamin B₁ (Thiamine HCL) (100% MDR) 1 Milligram" and on the super potency tablets "Each tablet contains: Vitamin A (125% MDR) 5000 U.S.P. Units Vitamin B₁ Thiamine HCL, (400% MDR) 4.0 Mgms. * * * Vitamin C (250% MDR) 75.0 Mgms. Vitamin D (125% MDR) 500 U.S.P. Units" were false and misleading since the articles contained less than the stated amounts of the declared vitamins and

*See also No. 17956.

would supply less than the stated percentages of the minimum daily requirements for such vitamins.

The products were adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: July 23, 1951. Default decree of condemnation and destruction.

18000. Adulteration and misbranding of Mynex tablets. U. S. v. 82 Boxes * * *. (F. D. C. No. 31403. Sample No. 18141-L.)

LABEL FILED: August 3, 1951, District of Arizona.

ALLEGED SHIPMENT: On or about May 2, 1951, by Marlene's, Inc., from Chicago, Ill.

PRODUCT: 82 63-tablet boxes of Mynex tablets at Phoenix, Ariz. Analysis showed that the product contained substantially less than the declared amount of vitamin D.

LABEL, IN PART: "A Dietary Supplement * * * Mynex * * * Each Maroon Tablet Contains: * * * Vitamin D 200 Int. 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 "Mynex * * * taken as directed * * * provide the following percentages of the minimum daily requirements: * * * Diastetic Malt Extract 50%" was false and misleading since there is no requirement in human nutrition for diastetic malt extract. Further misbranding, Section 403 (f), the information required by Section 403 (a) to appear on the label, namely, a statement that Mynex tablets would not make one reduce, was not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices, on the label) and in such terms as to render such statement likely to be read and understood by the ordinary individual under customary conditions of purchase and use, since such statement appeared inside the cellophane wrapped box; and in the light of the representations made and suggested for the article, under conditions of use as are customary and usual, such statement should appear upon the immediate container of the article.

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. 3580.

DISPOSITION: September 26, 1951. Default decree of condemnation and destruction.

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PRODUCTS

	N. J. No.		N. J. No.
Bakery product-----	17951	Chickens. See Meat and poultry.	
Bread -----	17951	Cow meat-----	17987
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Cheese -----	17964-17966	Enriched flour-----	17956
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¹ (17968) Prosecution contested. Contains opinion of the court.