

**DISPOSITION:** December 4, 1953. Norda Essential Oil & Chemical Co., Inc., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for distillation of the oil from the product, under the supervision of the Food and Drug Administration.

**20895. Adulteration of canned pimentos. U. S. v. 14 Cases \* \* \*. (F. D. C. No. 35450. Sample No. 69965-L.)**

**LIBEL FILED:** August 6, 1953, District of Colorado.

**ALLEGED SHIPMENT:** On or about June 25, 1953, by Nordic Trading Co., Inc., from New York, N. Y.

**PRODUCT:** 14 cases, each containing 50 cans, of pimentos at Denver, Colo. Examination showed that the product was undergoing chemical decomposition.

**LABEL, IN PART:** "La Esmerada.FCA De Conservas VDA De Ramon Vela \* \* \* Pimientos Morrones Sweet Red Peppers 1st Qty. Extra Nett 15 Oz. Produced and Packed In Spain."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** December 11, 1953. Nordic Trading Co., Inc., having filed a claim and subsequently withdrawn it, judgment of condemnation was entered and the court ordered that the product be destroyed.

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

**20896. Adulteration and misbranding of chocolate malt-flavored sirup with vitamins. U. S. v. Berko Malted Milk Co., Inc., and Solomon A. Berko and Gustave Berko. Plea of guilty by corporation and pleas of nolo contendere by individuals. Fine of \$1,000 against each defendant. (F. D. C. No. 35106. Sample No. 33832-L.)**

**INFORMATION FILED:** August 12, 1953, Eastern District of New York, against Berko Malted Milk Co., Inc., Brooklyn, N. Y., Solomon A. Berko, president, and Gustave Berko, secretary-treasurer of the corporation.

**ALLEGED SHIPMENT:** On or about July 25, 1952, from the State of New York into the State of Michigan.

**LABEL, IN PART:** "Cook's Chocolate Malt Flavored Syrup With Vitamins \* \* \* Distributed Exclusively By Cook Coffee Co. Cleveland Home Tea Co. Detroit India Tea Co. Chicago Central Tea Co. Toledo-Detroit."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B<sub>1</sub>, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statement "Each ounce contains \* \* \* Vitamin B<sub>1</sub> \* \* \* 222 U. S. P. units" was false and misleading since each ounce of the article contained less than 222 U. S. P. units of vitamin B<sub>1</sub>.

**DISPOSITION:** September 15, 1953. The corporation having entered a plea of guilty and the individuals having entered pleas of nolo contendere, the court fined each defendant \$1,000, a total fine of \$3,000.

**20897. Adulteration and misbranding of multiple vitamin capsules. U. S. v. 27 Dozen Bottles \* \* \*. (F. D. C. No. 35087. Sample No. 39518-L.)**

**LIBEL FILED:** June 23, 1953, District of Colorado.

**ALLEGED SHIPMENT:** On or about April 13, 1953, by the Jamieson Pharmacal Co., from Glendale, Calif.

**PRODUCT:** 27 dozen 100-capsule bottles of multiple vitamin capsules at Grand Junction, Colo. Examination showed that the product contained 60 percent of the declared amount of vitamin D.

**LABEL, IN PART:** "Medi-Vita Medicinal Potency Multiple Vitamins \* \* \* Each Capsule Contains: \* \* \* 1,200 U. S. P. Units Vitamin D (Activated Ergosterol)."

**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: \* \* \* 1,200 U. S. P. Units Vitamin D" was false and misleading as applied to the article, which contained less than 1,200 U. S. P. units of vitamin D per capsule.

**DISPOSITION:** August 18, 1953. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution for its use and not for sale.

**20898. Misbranding of vitamin and mineral tablets. U. S. v. 12 Bottles, etc.**  
(F. D. C. No. 34884. Sample Nos. 40638-L to 40648-L, incl.)

**LABEL FILED:** March 16, 1953, Western District of Washington.

**ALLEGED SHIPMENT:** On various dates, on and after October 14, 1952, by J. M. Sleighter, from Salem, Oreg.

**PRODUCT:** 12 bottles of the \$12.00-size, 41 bottles of the \$5.00-size, and 41 cartons of the sample size of Elemin mineral tablets; 3 bottles of the \$12.00-size and 25 bottles of the \$5.00-size of multiple vitamin tablets; 6 cartons of the \$9.00-size and 5 cartons of the \$30.00-size of an article designated as "Royal Formula" and containing a number of Elemin mineral tablets and a number of multiple vitamin tablets; and 7 cartons of the \$21.00-size and 4 cartons of the \$12.00-size of an article designated as "Supreme Formula" and containing a number of Elemin mineral tablets and a number of multiple vitamin tablets, at Seattle, Wash., together with a number of accompanying leaflets, circulars, and booklets entitled "Elemin Mineral Tablets," "Elemin Mineral Tablets and Royal Formula Multiple Vitamins," "Elemin Mineral Tablets and Supreme Formula Multiple Vitamins," "Mineral Chart," "It's Later Than You Think Watch Your Diet," "Health Facts You Should Know! Elemin Mineral tablets \* \* \*," "Health Facts You Should Know. Compiled by A. Goeke," "Facts You Should Know," "Did You Know That 999 out of every 1000 people lack the proper nutrition," "Young Middle Aged and Elderly People!" "The Following is a Reprint of a Published Article, For Informative and educational purposes only, *not to be used in the sale of any product*," "Soil A Foundation of Health," and "Modern Miracle Men," all of which contained statements relating to the articles.

**RESULTS OF INVESTIGATION:** Some of the leaflets, circulars, and booklets mentioned above were shipped by J. M. Sleighter from Salem, Oreg., on various dates during 1951, 1952, and 1953, and some of the material was printed locally on the order of Loran S. Stone of Seattle, Wash., the consignee of the products, or obtained by him from a supplier in Milwaukee, Wis.

**LABEL, IN PART:** (Elemin Mineral Tablets) "As a Source of the Minerals Iron and Iodine Contains: Iodine and Iron as naturally present in dehydrated