

LIBELED: 7-6-54, Dist. Conn.

CHARGE: Tobenex capsules. 402 (b) (1)—a valuable constituent, vitamin B₁, had been in part omitted or abstracted from the article while held for sale; and, 403 (a)—the label statement "Each capsule contains: Thiamine Hydrochloride (B₁) * * * 2.5 milligrams" was false and misleading.

Heminal tablets. 402 (b) (1)—the valuable constituents, vitamin B₁ and vitamin C, had been in part omitted or abstracted from the article while held for sale; and, 403 (a)—the label statements "Each Tablet Contains: * * * Ascorbic Acid USP 50 Mg. Thiamin Chloride USP 1 Mg." were false and misleading.

Aronnol capsules. 402 (b) (1)—a valuable constituent, carotene, had been wholly omitted or abstracted from the article while held for sale, and a valuable constituent, vitamin D, had been in part omitted or abstracted from the article; and, 403 (a)—the label statements "Each Capsule Contains: * * * Carotene 800 USP U. Vitamin D 400 USP U." were false and misleading.

The libel alleged also that one other product, namely, Lixerin, was adulterated and misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 4570.

DISPOSITION: 9-14-54. Default—delivery to charitable institution for its use and not for sale.

22300. Extract of garlic capsules, wheat germ oil capsules, and WheatonE capsules. (F. D. C. No. 33573. S. Nos. 38-627/8 L.)

QUANTITY: 11 100-capsule btls. and 3 400-capsule btls. of extract of garlic capsules, 7,900 capsules of wheat germ oil capsules in 1 carton, and 62 100-capsule btls. and 11 300-capsule btls. of WheatonE capsules at New York, N. Y., in possession of Falkner & May, Inc.

SHIPPED: 5-16-52 and 6-16-52, from Jersey City, N. J., and Detroit, Mich.

LABEL IN PART: (Btl.) "Falmay Pure Extract of Garlic In Vegetable Oils"; (carton) "Wheat Germ Oil Ingredients in each capsule: Wheat Germ Oil . . . 6 Minims"; (btl.) "Falmay sealed 'WheatonE' Capsules contain Hormone Activity plus Natural Vitamin E As Found in Wheat."

ACCOMPANYING LABELING: Booklets entitled "Healthful Living Volume Ten 1952," "Healthful Living Volume Eleven 1952," and "Healthful Living 'Highlights' 1952."

RESULTS OF INVESTIGATION: The extract of garlic capsules were repackaged from a bulk consignment into bottles and labeled by the consignee, and the WheatonE capsules were repackaged by the consignee from portions of an original consignment of 18,000 wheat germ oil capsules. The booklets were printed for the consignee and were distributed to customers and prospective customers.

LIBELED: 9-8-52, S. Dist. N. Y.

CHARGE: Extract of garlic capsules. 403 (a)—the label statement "Garlic is one of our important foods. This is a natural concentration from fresh garlic" was misleading, as the article, when consumed as directed, namely, "one or two capsules with each meal," would contribute essentially nothing of value as a food.

Wheat germ oil capsules and WheatonE capsules. 403 (a)—the following statements, namely, (on bottle label) "This is a concentrated source of wheat," (in booklet entitled "Healthful Living Volume Ten 1952") "Wheat Has Been Known for Years as 'The Staff of Life' Falmay Wheatone Cap-

sules * * * are a concentrate from wheat. Wheat is one of our most important foods containing vast amounts of nutritious factors," and similar statements in the booklet entitled "Healthful Living 'Highlights' 1952," were false and misleading, as the article was not a concentrated form of wheat and did not contain the various nutritious factors of wheat; and, 403 (f)—the information required by 403 (i) (1) to appear on the label of the article as repackaged, namely, the common or usual name of the article, wheat germ oil, was not prominently placed thereon with such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

The articles were 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. 4499.

DISPOSITION: 10-8-52. Default—destruction.

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PRODUCTS

N. J. No.	N. J. No.		
Apricot fruit spread.....	22270	Fruits and vegetables... ²	22204, 22209, 22251, 22262-22274, 22290
Aronnol capsules.....	22299	fruit, canned.....	22262-22268
Beans, black-eyed, dried.....	22251	dried.....	22269-22290
lima, dried.....	22209	miscellaneous fruit	
Beets, canned.....	22272	products.....	22270, 22271
Black-eyed beans, dried.....	22251	vegetables..... ²	22204, 22209, 22251, 22272-22274, 22290
peas, dried.....	22274	Garlic, extract of, capsules.....	22300
Blueberries, canned.....	22262, 22268	Grapefruit sections, canned.....	22267
Boysenberries, canned.....	22263-22265	Grits, hominy.....	22207
Bran.....	22234	Heminal tablets.....	22299
Buckwheat flour.....	22236	Hominy grits.....	22207
Candy.....	22201, 22202, 22282	Iodized salt.....	22207
Cereals and cereal products... ¹	22205- 22251, 22277, 22282, 22290	Lentils.....	² 22204
Cherries, canned.....	22266	Lima beans, dried.....	22209
Chocolate sirup.....	22203, 22270	Macaroni.....	22290
Chub (fish), frozen.....	22252	Malt.....	22237, 22238
Cocoa.....	² 22204	Mix, pancake.....	22207
Coconut, shredded.....	22282	pancake and waffle.....	22239
Cod fillets, frozen.....	22253	Mustard seed.....	22283
Coffee sweepings.....	² 22204	Nuts and nut products... ²	22275-22282
Cornmeal.....	¹ 22205-22210, 22277	Okra with tomato sauce, canned..	22273
Dates.....	22290	Olives.....	22290
Fish and shellfish.....	22252-22261	Oysters, dried.....	22260
Flavors. See Spices, flavors, and seasoning materials.		Pancake mix.....	22207
Flour.....	¹ 22210-22236, 22277, 22282	and waffle mix.....	22239
Fluke (fish), frozen.....	22254	Pasole (corn product).....	22208
French dressing.....	22268		

¹ (22210) Injunction issued.

² (22204) Seizure contested.