

**DISPOSITION:** 3-5-56. Consent—claimed by Delta Pecan Co. The article was satisfactorily reconditioned by washing it in a chlorine solution, drying in hot air dryers, and repacking into new cartons.

**23343. Unshelled walnuts.** (F. D. C. No. 39126. S. No. 20-814 M.)

**QUANTITY:** 133 100-lb. bags at Grand Island, Nebr., in possession of Brown Fruit Co.

**SHIPPED:** 12-7-55, from Los Angeles, Calif.

**LIBELED:** 5-8-56, Dist. Nebr.

**CHARGE:** 402 (a) (3)—contained rodent urine; and 402 (a) (4)—held under insanitary conditions.

**DISPOSITION:** 6-8-56. Consent—claimed by Brown Fruit Co. Segregated, approximately 2,822 lbs. destroyed.

## POULTRY

**23344. Dressed poultry.** (F. D. C. No. 38636. S. Nos. 23-202 M, 37-264 M.)

**INFORMATION FILED:** 6-21-56, Dist. N. H., against Arcidy Poultry Co., Inc., Londonderry, N. H.

**SHIPPED:** 12-14-55 and 2-7-56, from New Hampshire to New York and Massachusetts.

**CHARGE:** 402 (a) (3)—contained birds contaminated with fecal matter; and 402 (a) (5)—contained diseased poultry.

**PLEA:** Guilty.

**DISPOSITION:** 9-13-56. \$800 fine.

**23345. Dressed turkeys.** (F. D. C. No. 38616. S. No. 37-266 M.)

**INFORMATION FILED:** 7-18-56, E. Dist. Tenn., against Burnett Product Co., a partnership, Morristown, Tenn.

**SHIPPED:** 12-19-55, from Tennessee to New York.

**CHARGE:** 402 (a) (3)—contained, when shipped, decomposed turkeys and turkeys contaminated with fecal matter; and 402 (a) (5)—contained diseased turkeys.

**PLEA:** Guilty.

**DISPOSITION:** 9-17-56. \$600 fine.

**23346. Dressed turkeys.** (F. D. C. No. 38600. S. No. 19-780 M.)

**INFORMATION FILED:** 11-8-56, S. Dist. Ind., against Carl Hendricks, t/a Carl Hendricks Poultry Co., New Salisbury, Ind.

**SHIPPED:** 12-9-55, from Indiana to Kentucky.

**CHARGE:** 402 (a) (3)—contained fecal matter and crop material; and 402 (a) (4)—prepared under insanitary conditions.

**PLEA:** Guilty

**DISPOSITION:** 12-27-56. \$250 fine, plus costs.

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

**23347. Vitamin capsules.** (F. D. C. No. 38907. S. Nos. 37-043/4 M, 37-047 M, 37-050/1 M, 37-054/5 M, 37-064 M, 37-066 M, 37-089/91 M.)

**QUANTITY:** 11 100-capsule pkgs. of Lederplex, 18 100-capsule boxes of vitamin B complex, 5 100-capsule btl. of Provite B, 1 400-capsule btl. of Provite B with vitamin B, 8 100-capsule btl. of Ol-Vitum, 6 100-capsule btl. of Bepadin, 4 100-capsule btl. of Bepadin with vitamin C, 1 1,200-capsule btl. of Minules, 1 900-capsule btl. of Heptuna, 75 pkgs. of Viterra multivitamins capsules, 650 boxes of Viterra therapeutic capsules, and 2 btl. containing a total of 2,000 Obron capsules, at Newark, N. J.

**SHIPPED:** On unknown dates, from Chicago, Ill., Cleveland, Ohio, Philadelphia, Pa., and New York and Pearl River, N. Y.

**LIBELED:** 1-13-56, Dist. N. J.

**CHARGE:** 402 (b) (1)—(vitamin B complex capsules, Provite B capsules, Provite B with vitamin B capsules, Ol-Vitum capsules, Bepadin capsules, Bepadin with vitamin C capsules, Viterra therapeutic capsules, and Obron capsules) a valuable constituent, vitamin B<sub>1</sub>, had been in part omitted or abstracted from the articles; and (Minules capsules and Viterra multivitamins capsules) valuable constituents, vitamins B<sub>1</sub> and C, had been in part omitted or abstracted from the articles.

403 (a)—(vitamin B complex capsules) the label statement "Each Capsule contains: Vitamin B<sub>1</sub> (Thiamine Chloride) 1.5 mg." was false and misleading as applied to a product which contained less than the stated amount of vitamin B<sub>1</sub> per capsule; (Provite B capsules) the label statement "Each Capsule Contains: Vitamin B<sub>1</sub> (Thiamine HCl) 25 mg." was false and misleading as applied to a product which contained less than the declared amount of vitamin B<sub>1</sub> per capsule; (Provite B with vitamin B capsules) the label statement "Each Capsule Contains: Vitamin B<sub>1</sub> (Thiamine Hydrochloride) 25 mg." was false and misleading as applied to a product which contained 18 milligrams of vitamin B<sub>1</sub> per capsule; (Ol-Vitum capsules) the label statement "Each capsule contains: \* \* \* Vitamin B<sub>1</sub> 2.5 mgs." was false and misleading as applied to a product which contained not more than 1.75 milligrams of vitamin B<sub>1</sub> per capsule; (Bepadin capsules) the label statement "Each Capsule Contains: 500 U. S. P. Units Vitamin B<sub>1</sub>" was false and misleading as applied to a product which contained not more than 250 U. S. P. units of vitamin B<sub>1</sub> per capsule; (Bepadin with vitamin C capsules) the label statement "Each Capsule contains \* \* \* Vitamins \* \* \* B<sub>1</sub> 2 mg. Thiamine HCl" was false and misleading as applied to a product which contained 1.5 milligrams of vitamin B<sub>1</sub> per capsule; (Minules capsules) the label statement "Each capsule contains: Vitamin B<sub>1</sub> (thiamine hydrochloride) . . . 2 mg. \* \* \* Vitamin C (ascorbic acid) . . . 20 mg." was false and misleading as applied to a product which contained not more than 1.4 milligrams of vitamin B<sub>1</sub> and not more than 10 milligrams of vitamin C per capsule; (Viterra Multivitamins capsules) the label statement "Each Capsule Contains \* \* \* Thiamine Hydrochloride U. S. P. . . . 3 mg. \* \* \* Ascorbic Acid U. S. P. . . . 50 mg." was false and misleading as applied to a product which contained 2.1 milligrams of vitamin B<sub>1</sub> and 40 milligrams of vitamin C per capsule; (Viterra therapeutic capsules) the label statement "Each Capsule Contains \* \* \* Vitamin B<sub>1</sub> (Thiamine Mononitrate) U. S. P. 10 mg." was false and misleading as applied to a product which contained not more than 8.0 milligrams of vitamin B<sub>1</sub> per capsule; and (Obron capsules) the label statement "Each Capsule Contains: \* \* \* Thiamine Hydrochloride . . . U. S. P. 2 mg." was false and misleading as applied to a product which contained 1.3 milligrams of vitamin B<sub>1</sub> (thiamine hydrochloride) per capsule.

403 (e) (1)—(Lederplex capsules and Heptuna capsules) the labels failed to bear the names and places of business of the manufacturers, packers, or distributors.

403 (j)—(Lederplex capsules and Heptuna capsules) the labels of the articles failed to bear, as required by regulations, information concerning their vitamin and other dietary properties.

All lots were misbranded and/or adulterated while held for sale.

The libel alleged also that 27 other products were adulterated and misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 4986.

DISPOSITION: 2-14-56. Default—destruction.

23348. Ferro-Calscorbate. (F. D. C. No. 38732. S. No. 9-640 M.)

QUANTITY: 38 100-capsule btls. at Los Angeles, Calif.

SHIPPED: During 1953, from St. Louis, Mo.

RESULTS OF INVESTIGATION: Analysis showed that the article contained approximately 50 percent of the declared amount of vitamin D<sub>2</sub>.

LIBELED: 12-13-55, S. Dist. Calif.

CHARGE: 402 (b) (1)—a valuable constituent, vitamin D<sub>2</sub>, had been in part omitted or abstracted from the article while held for sale; and 403 (a)—the label statement "Each Capsule Contains: \* \* \* Vitamin D<sub>2</sub> (Calciferol) 800 U. S. P. Units" was false and misleading.

The libel alleged also that another product, namely, Befolin No. 1, was adulterated and misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 5011.

DISPOSITION: 1-19-56. Consent—destruction.

23349. Papay-O-Melon. (F. D. C. No. 38739. S. Nos. 21-236 M, 21-240 M.)

QUANTITY: 42 cases, 12 1-qt. btls. each, at Oklahoma City, Okla.

SHIPPED: Between 9-22-55 and 11-25-55, from St. Augustine Fla., by Curtis-Sunny Isle Products.

LABEL IN PART: (Btl.) "A Curtis-Sunny Isle Product Homogenized Papay-O-Melon \* \* \* Made From Fresh Ripe Papaya Melons Sugar Added \* \* \* Vitamin Content A, in particular, seems to occur to the extent of 10,000 units to the pound of ripe fruit; B, 7,500 units; C, 7,500 units; G, 10,000 units \* \* \* Non-Fattening \* \* \* blended scientifically \* \* \* to retain all its essential qualifications and luscious flavor."

RESULTS OF INVESTIGATION: Examination showed that the article was a thick orange-red sirupy liquid containing a substantial amount of sugar, artificial flavor, and artificial color. The product did not have the taste of papaya but resembled in taste an imitation strawberry-flavored beverage.

LIBELED: 12-9-55, W. Dist. Okla.

CHARGE: 403 (a)—when the article was shipped, the label statement "Papay-O-Melon \* \* \* Made from Fresh Ripe Papaya Melons Sugar Added \* \* \* Non-Fattening \* \* \* blended scientifically \* \* \* to retain all its essential qualifications and luscious flavor" was false and misleading as applied to a product high in sugar content and containing artificial flavor and artificial color having the taste and odor of an artificial strawberry drink; and 403 (j)—the article purported to be and was represented as a food for special dietary uses by reason of its vitamin content, and its label failed to