

The order further provided that neither it, nor the return of the articles and pamphlets to the claimants thereunder would constitute or imply any adjudication upon the issues of the truth or falsity of the claims appearing in said pamphlets under Sections 502(a) and 403(a) as charged in the libel, as the question of such truth or falsity had not been adjudicated.

26598. Bio-Zyme tablets. (F.D.C. No. 43314. S. No. 32-856 P.)

QUANTITY: 1 drum of 8,300 tablets at East Orange, N.J.

SHIPPED: 6-4-59, from Inwood, Long Island, N.Y.

LABEL IN PART: (Btl. label attached to drum) "100 Gelvets BIO-ZYME Nutritional Supplement * * * Each Bio-Zyme Gelvet contains * * * Vitamin B-1 * * * 5 mg. MDAR 500% Niacinamide * * * 20 mg. * Vitamin B-12 activity 6 mcg. MDAR—Minimum daily adult requirement * need in human nutrition established but no MDAR established Sole Distributors—American Pharmaceutical Products Co. 3033 Newark, New Jersey."

LIBELED: 7-27-59, Dist. N.J.

CHARGE: 402(b)(1)—while held for sale, the valuable constituents, vitamin B₁, vitamin B₁₂, and niacinamide, had been in part omitted or abstracted from the article; and 403(a)—while held for sale, the label statement "Bio-Zyme is a scientifically formulated synergistic combination of enzymatic factors with amino acids, minerals, protein and carbohydrate digestive enzymes plus vitamins of the B Complex group * * *" was false and misleading since there is no scientific justification for formulating a synergistic combination of enzymatic factors, and the label statement "Niacinamide * * * need in human nutrition established but no MDAR established" was false and misleading since the minimum daily requirement for niacinamide has been established.

DISPOSITION: 8-27-59. Default—destruction.

26599. Protein dietary supplement. (F.D.C. No. 43545. S. Nos. 69-681/2 P.)

QUANTITY: 1 case containing 10 1,000-tablet btl., 33 cases, 12 300-tablet btl., each, 12 cases, 12 80-tablet btl., each, and 7 1,000-tablet btl., 23 300-tablet btl., and 60 80-tablet btl., at Minneapolis, Minn.

SHIPPED: Between 4-30-59 and 6-17-59, from Omaha, Nebr., by Vitamin Industries.

LABEL IN PART: (Btl.) "Verne Gagne's Fortified Protein Three P's Protein Power Pack Dietary Supplement Distributed by Vitamin Industries, 1511 Davenport St., Omaha, Nebr. * * * Ingredients: The readily available natural food protein factors in Three P's are composed of a special, skillfully blended formulation consisting of Soya Lecithin, Soy Powder, Solids of defated, dehydrated milk, barley malt, Sucrose, Dextrose, Debittered Special Strain Yeast, with natural purified Bone Meal."

LIBELED: 9-23-59, Dist. Minn.

CHARGE: 403(a)—when shipped, the label statements, "Fortified Protein," "Protein Power Pack," "Champion of the World," and "Protein Concentrate," together with a picture of an athlete on the label, represented and suggested that the article was a fortified protein, that it was a protein concentrate, that its protein content would supply a significant amount of strength and power, and that the user would develop an athletic physique, which statements and design were false and misleading since they were contrary to fact; 403(e)(2)—a portion of the 80-tablet size bottle failed