

**DISPOSITION:** December 15, 1953. Default decree of condemnation and destruction.

**21047. Misbranding of tomato puree. U. S. v. 683 Cases \* \* \*. (F. D. C. No. 35966. Sample No. 63519-L.)**

**LIBEL FILED:** November 12, 1953, Eastern District of Missouri.

**ALLEGED SHIPMENT:** On or about September 6, 1952, by the Akin Products Co., from Mission, Tex.

**PRODUCT:** 683 cases, each containing 6 cans, of tomato puree at St. Louis, Mo.

**LABEL, IN PART:** (Can) "Val-Tex Brand Tomato Puree \* \* \* 6 Lbs. 8 Oz."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for tomato puree since it contained less than 8.37 percent of salt-free solids, the minimum permitted by the definition and standard.

**DISPOSITION:** February 3, 1954. The Akin Products Co., 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, conditioned that it be relabeled as "Imitation Tomato Puree," with the new label bearing also the words "Lightly concentrated tomato juice made in part from residual tomato material from canning"; or, as an alternative, that the product be held for use in soups, pork and beans, or tomato sauce in dry packed vegetables canned by the claimant, with all of such work to be done under the supervision of the Department of Health, Education, and Welfare.

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

**21048. Adulteration and misbranding of Special capsules. U. S. v. 64,000 Capsules \* \* \*. (F. D. C. No. 35971. Sample No. 65374-L.)**

**LIBEL FILED:** November 18, 1953, District of Minnesota.

**ALLEGED SHIPMENT:** During September 1950, from Detroit, Mich.

**PRODUCT:** 64,000 Special capsules in 12 cartons at Minneapolis, Minn. Analysis showed that the product contained 63 percent of the declared amount of vitamin B<sub>1</sub>.

**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 "Ingredients in Each Capsule: \* \* \* Thiamine Hydrochloride USP 3 Mg." was false and misleading as applied to the article, which contained less than the declared amount of vitamin B<sub>1</sub>.

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

**DISPOSITION:** March 8, 1954. Default decree of destruction.

**21049. Adulteration and misbranding of Procarmin and elixir of vitamin B complex. U. S. v. 20 Bottles, etc. (F. D. C. No. 36078. Sample Nos. 65364-L, 65365-L.)**

**LIBEL FILED:** October 29, 1953, District of Minnesota.

\*See also Nos. 21001, 21002.

**ALLEGED SHIPMENT:** During the early part of November 1949, and on or about July 31, 1951, from Chicago, Ill., and New York, N. Y.

**PRODUCT:** 20 12-ounce bottles of Procarmin and 7 1-gallon bottles of elixir of vitamin B complex at Minneapolis, Minn.

**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 articles.

Misbranding, Section 403 (a), the label statements (20-bottle lot) "100 Grams \* \* \* will supply: \* \* \* Thiamine \* \* \* 15 Mgms." and (7-bottle lot) "Each fluid ounce \* \* \* contains: 3 mg. Vitamin B<sub>1</sub>" were false and misleading as applied to the articles, which contained less than the stated amounts of vitamin B<sub>1</sub>.

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

**DISPOSITION:** December 28, 1953. Default decree of destruction.

**21050. Adulteration and misbranding of Doctor's Formula 21, Formula 5, and Formula 11 (dietary supplements). U. S. v. 24 Bottles, etc. (F. D. C. No. 36117. Sample Nos. 40009-L, 40391-L, 40392-L.)**

**LABEL FILED:** November 17, 1953, Southern District of California.

**ALLEGED SHIPMENT:** On or about August 28, 1953, by the Doctor's Vitamin Co., from Las Vegas, Nev.

**PRODUCT:** 24 bottles of Doctor's Formula 21, 133 bottles of Formula 5, and 268 bottles of Formula 11 at Los Angeles, Calif.

**LABEL, IN PART:** (Bottle) "Doctor's Formula 21 Each three tablets contain: Vitamin A (Palmitate). . . . 1,000 I. U. \* \* \* 90 Tablets Suggested Use: Three tablets daily as a dietary supplement, or as directed by your doctor," "Formula 5 Each Capsule Contains: \* \* \* Vitamin A (Palmitate) 1667 U. S. P. Units \* \* \* 90 Capsules \* \* \* Suggested Use: As a dietary supplement, one capsule before each meal, or as directed by your doctor," and "Formula 11 Each Capsule Contains: \* \* \* Vitamin A. . . . 8500 U. S. P. Units \* \* \* 30 Capsules \* \* \* Suggested Use: One capsule daily as a dietary supplement, or as directed by your doctor."

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

Misbranding, Section 403 (a), the label statements (Formula 21) "Each three tablets contain: Vitamin A \* \* \* 1,000 I. U.," (Formula 5) "Each Capsule Contains: \* \* \* Vitamin A \* \* \* 1667 U. S. P. Units," and (Formula 11) "Each Capsule Contains: \* \* \* Vitamin A. . . . 8500 U. S. P. Units" were false and misleading as applied to the articles, which contained less than the stated amounts of vitamin A.

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## INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 21001 TO 21050

### PRODUCTS

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Bakery products-----	21001, 21002	Bread-----	21001, 21002
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