354. Adulteration and misbranding of halibut liver oil capsules. U. S. v. 24,000, 75,000, and 90,000 Halibut Liver Oil Capsules. Consent decrees of condemnation. Product ordered released under bond for relabeling. (F. D. C. Nos. 2051, 2052, 2054. Sample Nos. 33424–E, 33425–E, 33426–E.)

This product was represented to consist of halibut liver oil but consisted in part of other fish-liver oil.

On June 1 and 3, 1940, the United States attorneys for the Southern District of New York and the Eastern District of New York filed libels against a total of 99,000 halibut liver oil capsules at New York, N. Y., and 90,000 halibut liver oil capsules at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about October 5, 1939, to on or about February 14, 1940, by the White Laboratories, Inc., from Newark, N. J.; and charging that it was adulterated and that portions were also misbranded. Portions were labeled in part: "Halibut Liver Oil Capsules * * * Halibut Plain," or "Halibut Liver Oil Pl."

All lots of the article were alleged to be adulterated in that another fish-liver oil had been wholly or in part substituted for plain halibut-liver oil. All lots were alleged to be misbranded in that they were offered for sale under the name of another drug. Portions were alleged to be misbranded further in that the statements, "Halibut Liver Oil * * * Capsules," "Halibut Liver Oil Plain," and "Halibut Liver Oil Pl.," were false and misleading, since the article did not consist of halibut liver oil but was a mixture of fish-liver oils.

On June 25, 1940, White Laboratories, Inc., claimant, having admitted the allegations of the libels, judgments of condemnation were entered, and it was ordered that the product be released under bond conditioned that it be relabeled so as to declare that the capsules contained halibut-liver oil which had been mixed with another fish oil.

355. Adulteration and misbranding of Estrinol in oil. U. S. v. 118 Ampuls of Estrinol in Oil. Default decree of condemnation and destruction. (F. D. C. No. 2500. Sample No. 3064–E.)

Each cubic centimeter of this product was represented to possess an activity equivalent to 5,000 International Units of estrogenic substance, whereas it was inert.

On August 7, 1940, the United States attorney for the Western District of Pennsylvania filed a libel against 118 ampuls of Estrinol in oil at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about March 8, 1940, by the Bellevue Laboratories, Inc., from New York, N. Y.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that its strength differed from that which it purported or was represented to possess, namely: (Label) "1 CC is therapeutically equivalent to 5,000 I. U. of estrogenic substance." It was alleged to be misbranded in that the statement on the label, "1 CC is therapeutically equivalent to 5,000 I. U. of estrogenic substance," was false and misleading as applied to an article which was inert.

On September 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

356. Adulteration and misbranding of Shores Ka-Vi-Min Tablets. U. S. v. 1⅔ Drums Containing 71,300 Tablets of Shores Ka-Vi-Min Tablets. Default decree of condemnation and destruction. (F. D. C. No. 3992. Sample No. 32805–E.)

This product was labeled as containing 140 U. S. P. units of vitamin D and 25 International Units of vitamin B_1 per tablet; whereas it contained not more than 100 U. S. P. units of vitamin D and not more than 15 U. S. P. units of vitamin B_1 (1 U. S. P. unit of vitamin B_1 is equal to 1 International Unit of the same vitamin).

On March 14, 1941, the United States attorney for the Southern District of California filed a libel against 1⅔ drums of Shores Ka-Vi-Min Tablets at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about February 28, 1940, by the Shores Co. from Cedar Rapids, Iowa; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that its strength differed from and its quality fell below that which it was represented to possess. It was alleged to be misbranded in that the following statements were false and misleading, since each tablet did not contain 140 U. S. P. units of vitamin D or 25 International Units of vitamin B_1: "Each tablet contains * * * 140 USP units Vitamin D" and "25 International units Vitamin B_1." The article was also