

The article was also charged to be misbranded under the provisions of the law applicable to foods as reported in F. N. J. No. 4488.

On October 10, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**820. Adulteration and misbranding of nicotinic acid amide. U. S. v. 57 Bottles and 314 Bottles of Nicotinic Acid Amide. Default decrees of condemnation. Product ordered relabeled and delivered to State hospitals. (F. D. C. No. 8069, 8099. Sample Nos. 28408-F, 29121-F, 29131-F.)**

On August 10 and 12, 1942, the United States attorneys for the Northern and Southern District of Georgia filed libels against 57 bottles and 314 bottles of nicotinic acid amide at Atlanta and Savannah, Ga., alleging that the article had been shipped in interstate commerce on or about July 1 and 24, 1942, by Schieffelin & Co. from New York, N. Y. The article was labeled in part: "Nicotinic Acid Amide."

The article was alleged to be adulterated in that nicotinic acid had been substituted in whole or in part for nicotinic acid amide.

It was alleged to be misbranded in that the declaration on the label "Nicotinic Acid Amide" was false and misleading, and in that it was offered for sale under the name of another drug.

On September 15 and December 21, 1942, no claimant having appeared, judgments of condemnation were entered and the courts ordered that the article be delivered to the Florida State Hospital and to a State hospital at Midgeville, Ga., after it had been relabeled under the supervision of the Food and Drug Administration.

#### DRUGS ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS<sup>4</sup>

##### DRUGS FOR HUMAN USE

**821. Action to restrain interstate shipments of Catalyn and other drugs. U. S. v. Royal Lee (Vitamin Products Co.). Permanent injunction granted. (Inj. No. 12.)**

On June 19, 1941, the United States attorney for the Eastern District of Wisconsin filed a complaint against Royal Lee, trading as Vitamin Products Co., Elm Grove, Wis., alleging: (1) That the defendant was engaged in the manufacture, processing, and packing of vitamin and mineral products at Milwaukee, Wis., for introduction and delivery for introduction, distribution, and sale in interstate commerce under the firm name Vitamin Products Co. (2) That in connection with such business the defendant had designated, appointed, directed, and managed agents and distributors located in various cities in the United States and Canada and was continuing to do so. (3) That the following products, Catalyn, also known as V-P No. 710 Vitamin Tablets; V-P Vitamin A Complex, also known as V-P No. 711 Vitamin Tablets; V-P Vitamin B complex, also known as V-P No. 712 Vitamin Tablets; V-P Vitamin C Complex, also known as V-P No. 713 Vitamin Tablets; V-P Vitamin D Complex, also known as V-P No. 714 Vitamin Tablets; V-P Vitamin F Complex, also known as V-P No. 716 Vitamin Tablets; V-P Vitamin G Complex, also known as V-P No. 717 Tablets; V-P Phosphate, also known as V-P No. 718 Liquid; Cerol, also known as V-P No. 719 Vitamin Tablets; V-P Organic Mineral Tablets, also known as V-P No. 721 Mineral Tablets; and Cerodyn, had been manufactured, processed, and packed by the defendant at Milwaukee, Wis., and had been and were being introduced and delivered for introduction into interstate commerce by the defendant at Milwaukee, Wis., to his agents and distributors for sale, were being sold to the public, and remained in interstate commerce under the direction and control of the defendant.

The complaint alleged further that the product "Catalyn," also known as V-P No. 710 Vitamin Tablets, was fabricated from more than two active ingredients, namely, wheat flour, wheat bran, crystalline milk sugar, powdered rice bran, powdered carrots, and glandular material; that the product V-P Vitamin A Complex, also known as V-P No. 711 Vitamin Tablets, was fabricated from more than two active ingredients, namely, wheat starch and tissues, rice bran, root tissues resembling those of dried carrot, milk sugar, and animal tissues suggestive of glandular material; that the product V-P Vitamin B Complex, also known as V-P No. 712 Vitamin Tablets, was fabricated from more than two active ingredients, namely, wheat tissues and starch, rice bran, animal tissues apparently from

<sup>4</sup> See also Nos. 801, 805-809, 811-820.