

2989. Adulteration and misbranding of McCollum's Vitamin A and D Tablets. U. S. v. 8 Bottles of McCollum's Vitamin A and D Tablets. Default decree of condemnation and destruction. (F. D. C. No. 5694. Sample No. 61358-E.)

Examination of this product showed that it was more than 50 percent deficient in vitamin A and more than 40 percent deficient in vitamin D.

On September 16, 1941, the United States attorney for the District of Oregon filed a libel against 8 bottles, each containing 60 tablets, of the above-named product at Portland, Oreg., alleging that the article had been shipped on or about July 12 and 25, 1941, by McCollum Laboratories from Hollywood, Calif.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that valuable constituents, namely, vitamins A and D, had been in whole or in part omitted or abstracted therefrom. It was alleged to be misbranded in that the statement on the label, "Each tablet contains 3000 International Units of Vitamin A * * * and 300 International Units of Vitamin D," was false and misleading.

It was also alleged to be adulterated and misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 569.

On December 21, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2990. Misbranding of thiamin chloride B₁. U. S. v. 239 Bottles of Thiamin Chloride B₁ with Accompanying Labeling. Default decree of condemnation. Product ordered distributed to local hospitals. (F. D. C. No. 4826. Sample No. 50234-E.)

This product, which was a milk sugar tablet containing vitamin B₁, contained false and misleading statements on the label regarding its value in the correction of the alcoholic habit and certain nervous disturbances.

On May 24, 1941, the United States attorney for the District of Maryland filed a libel against 239 bottles, each containing 100 tablets, of thiamin chloride B₁ at Baltimore, Md. (on June 4, 1941, the libel was amended to include accompanying labeling), alleging that the article had been shipped by Geo. M. Beringer, Inc., from Camden, N. J., on or about November 11, 1940; and charging that it was misbranded in that representations in the labeling regarding its efficacy in the correction of the alcoholic habit, nervous indigestion, nervous headaches, and neuralgic pain, were false and misleading since it would not be efficacious for such purposes.

It also was alleged to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 581.

On July 12, 1941, no claimant having appeared, judgment of condemnation was entered and the product was delivered to a local hospital for clinical use.

2991. Adulteration and misbranding of Vitamin A-D Tablets. U. S. v. 15 Cartons of Vitamin A-D Tablets. Default decree of condemnation and destruction. (F. D. C. No. 5154. Sample No. 65018-E.)

Each of these tablets was represented to contain 3,150 U. S. P. units of vitamin A, but biological examination showed that they contained not more than 2,500 U. S. P. units of vitamin A per tablet.

On July 15, 1941, the United States attorney for the District of Colorado filed a libel against 15 cartons each containing 90 vitamin A-D tablets at Denver, Colo., which had been consigned by Bleything Laboratories, alleging that the article had been shipped from Los Angeles, Calif., on or about March 7 and 11, 1941; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a valuable constituent, namely, vitamin A, had been in whole or in part omitted or abstracted therefrom. It was alleged to be misbranded in that the statement on the label, "Each tablet contains not less than 3,150 U. S. P. units of vitamin 'A'," was false and misleading.

It was also alleged to be adulterated and misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 475.

On September 17, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS

2992. Misbranding of gelatin. U. S. v. 59 Dozen Cartons of Gelatin. Default decree of condemnation. Product ordered delivered to a local charitable organization. (F. D. C. No. 5470. Sample No. 74204-E.)

Each carton of this product contained a paper bag of gelatin and a recipe booklet. The gelatin occupied on an average only about 40 percent of the capacity of the carton.

On August 28, 1941, the United States attorney for the District of New Jersey filed a libel against 59 dozen cartons of gelatin at Newark, N. J., alleging that the article had been shipped on or about June 17, 1941, by Peter Cooper's Gelatine from New York, N. Y.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading. The article was labeled in part: (Cartons) "Peter Cooper's Clarified Gelatine Jellies, Blanc Mange, Charlotte Russe * * * Net Weight 1½ Ozs."

On November 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local charitable organization.

2993. Adulteration of bonita livers. U. S. v. 122 Cans of Bonita Livers. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 5417. Sample No. 63538-E.)

Portions of this product were found to be decomposed and putrid.

On August 20, 1941, the United States attorney for the Western District of Washington filed a libel against 122 5-gallon cans of bonita livers at Seattle, Wash., alleging that the article had been shipped by Parke, Davis & Co. from San Francisco, Calif., on or about July 30, 1941; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed substance.

It also was alleged to be adulterated under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 560.

On September 10, 1941, Parke, Davis & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration. Subsequently all the cans containing the product were inspected and those found to be unfit were destroyed.

2994. Misbranding of Earles Vital Vim. U. S. v. 8 Cases of Wheat Germ. Default decree of condemnation and destruction. (F. D. C. No. 4770. Sample No. 47271-E.)

The labeling of this product contained false and misleading therapeutic claims.

On May 19, 1941, the United States attorney for the Northern District of Illinois filed a libel against 8 cases, each containing 24 18-ounce packages, of a product labeled "Earles Vital Vim * * * Pure Wheat Germ" at Chicago, Ill., alleging that the article had been shipped by W. H. Earles Co. on or about April 25, 1941; and charging that it was misbranded.

The article was alleged to be misbranded in that statements in the labeling which represented that it was efficacious to restore and maintain health and vigor; that it would be efficacious in the prevention and treatment of overweight, underweight, fatigue, colitis, constipation, neuritis, arthritis, stomach troubles, indigestion, high blood pressure, hardening of the arteries, and sleeplessness; that it would be efficacious to strengthen the digestive organs, assist intestinal activity, and bring about good digestion and proper assimilation; and that it would be efficacious to soothe the nerves and improve the circulation, tone the arteries, invigorate the heart muscles and normalize blood pressure; and ward off or prevent common colds or grip, were false and misleading since it would not be efficacious for such purposes.

It was alleged to be misbranded also under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices.

On October 1, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2995. Misbranding of Lishus. U. S. v. 19 Cases of Lishus. Default decree of condemnation and destruction. (F. D. C. No. 4043. Sample No. 55692-E.)

This product was falsely labeled as an ideal baby food.

On April 11, 1941, the United States attorney for the District of Oregon filed a libel against 19 cases of Lishus at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about January 13, 1941, by Dr. Jackson Foods from Brooklyn, N. Y.; and charging that it was misbranded in