

tained 10,000 U. S. P. units of vitamin A, 1,000 U. S. P. units of vitamin B₁, and 1,000 U. S. P. units of vitamin D per capsule.

The article was alleged to be misbranded in that certain statements in the labeling were false and misleading, since they represented and suggested (1) that consumption of the article would result in longer life, in good health, in increased vigor, ambition, and energy, in improved sleep, in lessened fatigue, aches, pains, and nervous strain, in increased resistance to diseases, colds, and coughs, in beautiful teeth, skin and hair, in better digestion of food, in healthy hair and skin, in growth, appetite, and muscular activity, in freedom from skin disorders, and in good blood, fertility, and good teeth; (2) that two out of three individuals are in need of vitamin supplements; and (3) that the vitamin and mineral requirement of man cannot be obtained by consumption of ordinary foods; whereas, consumption of the article would not accomplish such results, two out of three individuals are not in need of a vitamin supplement, and the vitamin and mineral needs of man can be obtained by consumption of ordinary foods.

The article was alleged to be misbranded further in that the black capsules failed to contain the represented amounts of iron, copper, zinc, magnesium, and manganese declared on the label, namely, "Iron $\frac{3}{4}$ Gr. Copper $\frac{2}{8}$ Gr. Zinc $\frac{1}{25}$ Gr. Magnesium $\frac{2}{3}$ Gr. Iodine $\frac{3}{2000}$ Gr. Manganese $\frac{2}{3}$ Gr."

It was alleged to be misbranded further in that statements in the labeling regarding the efficacy of vitamins and minerals to promote healthy hair and skin; prevent night blindness; build resistance to colds, coughs, sinus; promote growth, healthy nerves, appetite, digestion, muscular activity; minimize effects of alcohol; prevent certain skin disorders; heal lesions of lips at angles of mouth, eyes, and nose; promote growth and healing of wounds; prevent anemia, hemorrhage, pyorrhea, tuberculosis, and scurvy; form bones and teeth; prevent rickets; cure certain muscular and nerve diseases; restore color to gray hair; develop red corpuscles; develop hemoglobin; promote normal growth of body cells; influence muscle activity, digestion, and nerves; promote reproduction and growth; prevent goiter; aid heart and blood clotting; build bones and teeth; aid brain cells; promote healthy bones and blood; and promote fertility, were misleading, since the statements created the impression in the mind of the reader that the article was an effective treatment for the symptoms and diseases mentioned and described, whereas it was not an effective treatment for such conditions.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, reported in D. D. N. J. No. 786.

On June 22, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4248. Adulteration and misbranding of Vi-Penta Drops 'Roche'. U. S. v. 234 Vials of Vi-Penta Drops 'Roche.' Default decree of condemnation and destruction. (F. D. C. No. 4833. Sample No. 69145-E.)

This product was represented to contain 9,000 U. S. P. units of vitamin A per 0.6 cc. but in fact contained not more than 3,500 U. S. P. units of vitamin A per 0.6 cc.

On May 27, 1941, the United States attorney for the Southern District of New York filed a libel (amended September 16, 1941) against the above-named product at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about April 22, 1941, by Hoffman-La Roche, Inc., from Nutley, N. J.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a valuable constituent, vitamin A, had been in whole or in part omitted or abstracted therefrom.

It was alleged to be misbranded in that the following statements (circular) were false and misleading since the article would not be efficacious for such purposes: "Each 10-minim dose of Vi-Penta Drops contains: Vitamin A 9000 U. S. P. Units * * * Indications for Vi-Penta Drops * * * For the normal growth and development of infants or children. In cases of malnutrition, lowered resistance or run-down states. During prolonged illness such as infections, anemias, tuberculosis, typhoid, etc. * * * For gastrointestinal conditions, such as diarrhea, colitis, etc. When restrictions in diet are necessary, as in obesity, diabetes, catarrhal jaundice, etc. Whenever the total food intake must be increased, as in hyperthyroid conditions. For the treatment of certain skin diseases, such as eczema. In certain allergic conditions, such as those due to milk, eggs, wheat, etc. During periods of temporary or persistent vomiting (in infancy, childhood, or pregnancy). In the prophylaxis or treatment of abnormal dentition (or gum and tooth conditions).

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. 774.

On March 17, 1942, Hoffman-La Roche, Inc., claimant, having consented to the entry of the decree, judgment of condemnation was entered and the product was ordered destroyed.

4249. Misbranding of Special Formula 833. U. S. v. 130 Bottles of Special Formula 833. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 5956. Sample No. 51636-E.)

On October 4, 1941, the United States attorney for the District of Connecticut filed a libel against 130 bottles of Special Formula 833 at East Hampton, Conn., alleging that the article had been shipped in interstate commerce on or about June 13, 1941, by Brewer & Co., Inc., from Worcester, Mass.; and charging that it was misbranded.

Biological examination of a sample of the article showed that it contained approximately 1 milligram (333 International units) of vitamin B₁ (thiamine chloride) per tablet.

It was alleged to be misbranded in that the following statements in the labeling were false and misleading since it would not constitute an adequate or effective treatment for the conditions mentioned nor would it be of especial value for elderly men and women: "Vitamin B₁. Deficiency of this valuable vitamin may cause constipation, loss of vigor, various nervous and other important symptoms. This preparation is of especial value to elderly men and women."

It was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 784.

On June 12, 1942, Brewer & Co., Inc., 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 relabeled under the supervision of the Food and Drug Administration.

4250. Misbranding of cod-liver oil. U. S. v. 1 30-gallon drum of Cod-Liver Oil. Default decree of condemnation and destruction. (F. D. C. No. 7586. Sample No. 71520-E.)

This product was not cod-liver oil of Pharmacopoeial standard but was off in color and odor and high in free fatty acids. It contained smaller amounts of Vitamin D and Vitamin A than declared on its label.

On May 29, 1942, the United States attorney for the Eastern District of Missouri filed a libel against 1 30-gallon drum of cod-liver oil at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about February 7, 1942, by the Swiftide Company from Portland, Maine; and charging that it was misbranded. The article was labeled in part: "Swiftide Brand Cod Liver Oil."

The article was alleged to be misbranded in that the name "Cod Liver Oil" and the statements "Guaranteed to Contain not Less Than 200 A. O. A. C. Units Vitamin D," and "Not Less Than 1,000 Units Vitamin A per Gramme," were false when applied to an article that was not cod-liver oil and that contained not more than 100 A. O. A. C. Units of Vitamin D and not more than 700 U. S. P. Units of Vitamin A per gram. The article was also alleged to be adulterated and misbranded under the provisions of the law applicable to drugs reported in D. D. N. J. No. 776.

On June 30, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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¹ (4107) Seizure contested.