

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.