pantothenate and vitamin B_6 content, and its label failed to bear such information concerning its vitamin properties as has been determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to its value for such uses, since its label failed to bear the statement, "The need for calcium pantothenate and vitamin B_6 in human nutrition has not been established," as required by the regulations.

On June 1, 1943, the William T. Thompson Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling in conformance with the law, under the supervision of the Food and Drug Administration.

5779. Adulteration and misbranding of elixir thiamine hydrochloride. U. S. v. 52 Bottles of Elixir Thiamine Hydrochloride. Decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 9591. Sample No. 23501-F.)

Examination showed that this product contained substantially less than 250 International Units (USP units) of vitamin B_1 per fluid ounce.

On March 19, 1943, the United States attorney for the Eastern District of Pennsylvania filed a libel against 52 bottles, each containing 1 gallon of the above-named product, at Philadelphia, Pa., alleging that the article had been shipped on or about February 2, 1943, from Newark, N. J., by the Standard Drug Co.; and charging that it was adulterated and misbranded. A portion of the article (35 bottles) was labeled in part: "Standard Elixir Vitamin B_1 N. J. F. Elixir Thiamin Hydrochloride. Each fluid ounce contains 500 Intern. Units Vitamin B_1." The remainder of the article (17 bottles) was relabeled by the consignee, and at the commencement of the libel proceedings was labeled in part: "Elixir Thiamin Hydrochloride * * * Each fluid ounce contains: Thiamine Hydrochloride—1.5 mg. (equivalent to Vitamin B-1—500 Units)."

The article was alleged to be adulterated in that a valuable constituent, vitamin B_1, had been in whole or in part omitted or abstracted therefrom.

It was alleged to be misbranded in that the following statements: (In the case of the portion bearing the original label) "Each fluid ounce contains 500 Intern. Units Vitamin B_1," and (in the case of the relabeled portion) "Each Fluid ounce Contains: Thiamine Hydrochloride—1.5 mg. (equivalent to Vitamin B-1—500 Units)," were false since the article contained a lesser amount of vitamin B_1 per fluid ounce. It was alleged to be misbranded further in that it purported to be a food for special dietary use by reason of its vitamin B_1 content, and its label failed to bear such information concerning its vitamin properties as had been determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to its value for such uses, since its label failed to bear a statement of the proportion of the minimum daily requirement of vitamin B_1 supplied by a specified quantity of the article when consumed as directed during a period of 1 day.

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

On May 10, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered to be delivered to charitable institutions.

5780. Adulteration and misbranding of Ocean-Lax. U. S. v. 29 Bottles of Ocean-Lax. Decree of condemnation and destruction. (F. D. C. No. 6368. Sample Nos. 40885-E, 40886-E.)

On December 6, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 29 bottles of Ocean-Lax at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce within the period from on or about July 3 to August 11, 1941, by Mineralized Foods, Inc., from Baltimore, Md.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that it contained deleterious substances, the laxative drugs, senna pods, purging cassia, and rhubarb root, which might render it injurious to health.

It was alleged to be misbranded in that the following statement, appearing on the label, created the impression that the article was appropriate for food purposes, whereas, because of its content of cathartic drugs, it was not suitable for such purpose "* * * Consists of an imported rare variety of Sea Vegetables high in alakalinity and food minerals carefully blended with * * * Each Ocean-Lax Tablet averages approximately 1½ milligrams of natural organic

food iodine inseparably combined by nature with all of the other organic food minerals naturally found in the Sea Plant ingredients of Ocean-Lax and proven to be essential to health. Note! (Government Bulletin quotation.) '. . . If a salad of marine grass (sea-plants) could be eaten daily by everyone, as is largely the custom in Japan, simple goiter, in all probability would be relatively infrequent.' * * * Millions in foreign countries have for many generations and still are eating Sea Plants as part of their diet."

The libel alleged that the product was also misbranded under the provisions of the law applicable to drugs, reported in drugs and devices notices of judgment, No. 913.

On March 4, 1942, Mineralized Foods, Inc., claimant, having filed an answer denying the adulteration and misbranding charges in the libel, and having filed a motion for removal of the proceedings to the District of Maryland, in which District the claimant had its principal place of business, the court denied such motion. The court's opinion in denying the motion is printed in drugs and devices notice of judgment No. 913.

On January 7, 1943, the claimant having withdrawn its claim and answer, judgment of condemnation was entered and the product was ordered destroyed.

5781. Adulteration and misbranding of Improved Kalpentum. U. S. v. 33 Bottles and 6 Bottles of Improved Kalpentum. Decree of destruction. (F. D. C. No. 9057. Sample No. 7387–F.)

This product was represented as containing 10 milligrams of calcium pantothenate and 333 U. S. P. units of vitamin B_1 per tablet. Examination showed that it contained approximately the declared amount of calcium pantothenate but not more than 250 U. S. P. units of vitamin B_1 per tablet. Its labeling represented and suggested that the article, when taken as directed, might reasonably be expected to restore the color to gray hair, whereas it would not accomplish the results suggested and implied.

On December 31, 1942, the United States attorney for the District of Minnesota filed a libel against 33 bottles, each containing 30 tablets, and 6 bottles, each containing 100 tablets, of Improved Kalpentum at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about October 6, 1942, from Newark, N. J., by the Vitamin Corporation of America; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a valuable constituent, vitamin B_1, had been in whole or in part omitted or abstracted therefrom.

It was alleged to be misbranded in that the statement appearing on its label, "Each tablet contains * * * 333 USP Units Vitamin B_1," was false. It was alleged to be misbranded further by reason of the following statements appearing on its label: "Calcium Pantothenate (anti-gray hair factor) * * * These tablets may prevent premature graying of the hair if caused by a lack of Calcium Pantothenate, a factor of the Vitamin B Complex. Clinical experiments have shown darkening of the hair in some cases, in 1 month's time, others ranged from 3 months to 1 year. No harmful effects have been experienced from this treatment. * * * As directed by physician or one tablet per day for three months, thereafter two per day for nine months."

On February 19, 1943, no claimant having appeared, judgment was entered ordering that the product be destroyed.

5782. Misbranding of Pretorius Graytex. U. S. v. 6 Packages and 31 Packages of Pretorius Graytex. Default decree of condemnation and destruction. (F. D. C. No. 9205. Sample No. 13724–F.)

On January 18, 1943, the United States attorney for the Southern District of California filed a libel against 6 packages, each containing 100 tablets, and 31 packages, each containing 30 tablets, of the above-named product at Glendale, Calif., alleging that the article had been shipped in interstate commerce on or about May 1 and 6, 1942, by the Freshman Vitamin Co. from Detroit, Mich.; and charging that it was misbranded.

Examination showed that the article contained not more than 8 milligrams of calcium pantothenate per tablet and not more than 265 U. S. P. units of vitamin B_1 per tablet.

The article was alleged to be misbranded in that the following statements appearing in its labeling, "Each Tablet contains: 10 Mgm. (10,000 Micrograms) Calcium Pantothenate * * * 333 USP Units Vitamin B_1," were false and misleading since the article did not contain the declared amounts of calcium pantothenate and vitamin B_1. It was alleged to be misbranded further in