

fragile bones, anemia, scurvy, and rickets; Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its vitamin A, D, C, B₁, B₂, B₆, calcium pantothenate, and nicotinic acid content, and its label failed to bear, as the regulations require, a statement of the proportion of the minimum daily requirements for vitamins A, D, C, and B₂ supplied by the article when consumed in a specified quantity during the period of 1 day; it failed to bear a statement of the quantity of vitamin B₆, calcium pantothenate, and nicotinic acid supplied by a specified quantity of the article which would customarily or usually be consumed during a period of 1 day; and it failed to bear a statement that the need for calcium pantothenate and vitamin B₆ in human nutrition has not been established.

The articles were also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1123.

DISPOSITION: On July 26, 1943, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

6791. Adulteration and misbranding of Derbetain Number 3 Tablets. U. S. v. 8 Cases of Derbetain Number 3 Tablets. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11080. Sample No. 57104-F.)

LIBEL FILED: November 10, 1943, Southern District of New York; amended libel on January 28, 1944.

ALLEGED SHIPMENT: On or about September 6, 1943, by Dermetics, Inc., Seattle, Wash.

PRODUCT: 8 cases, each containing 24 cans, of Derbetain Number 3 Tablets. The article was approximately 50 percent deficient in vitamin D and 35 percent deficient in vitamin A.

LABEL, IN PART: "Each tablet contains 200 vitamin A units U. S. P., 15 vitamin B₁ units U. S. P., 35 vitamin D units U. S. P., 5 vitamin G units Sherman-Bourquin."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), valuable constituents, vitamins A and D, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the statements "Each tablet contains 200 vitamin A Units U. S. P., * * * 35 vitamin D units U. S. P." were false and misleading; and, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by man by reason of its vitamins A, B₁, D, and G content, and by reason of its use as a means of regulating the intake of protein, fat, carbohydrate, and calories for the purpose of controlling body weight, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements for the vitamins supplied by the article when consumed in a specified quantity during the period of 1 day; and it failed to bear a statement of the percent by weight of protein, fat, and carbohydrates it contained, and the number of available calories supplied by a specified quantity.

DISPOSITION: May 8, 1944. The Heller-Runnels Laboratories, Inc., claimant having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Federal Security Agency.

6792. Misbranding of DPS Formulae. U. S. v. 11 Bottles of DPS Formula 52, 16 Bottles of DPS Formula 57, 12 Bottles of DPS Formula 58, 11 Bottles of DPS Formula 61, and 25 Bottles of DPS Formula 100. Default decree of condemnation and destruction. (F. D. C. No. 10098. Sample Nos. 15357-F to 15360-F, incl., 36124-F.)

LIBEL FILED: June 25, 1943, District of Colorado.

ALLEGED SHIPMENT: From on or about March 23 to May 8, 1943, from the Dartell Laboratories, Los Angeles, Calif.

PRODUCT: The above-mentioned quantities of DPS Formulae at Denver, Colo.

LABEL, IN PART: (Formula 52) "Ingredients: Fish Liver Oil concentrate, Soya Oil containing lecithin, Wheat germ oil, mixed natural tocopherols, treated linseed oil containing the fatty unsaturates, principally linoleic and linolenic acids * * * Each perle contains not less than Vitamin A * * * 5000 U. S. P. Units Vitamin E (a-tocopheroerol activity) 5000 Gammas with 200 Mg. free fatty acids of linseed oil (flaxseed oil) principally linoleic and linolenic acids"; (For-