

Examination showed that the soya milk powder consisted essentially of powdered soy beans with small quantities of dextrose and lactose; and that the soya cereal consisted chiefly of coarsely ground wheat, and contained wheat germ and ground soy beans.

**LABEL, IN PART:** "Mary McBride's Soya Milk Powder [or "Soya Cereal"]."

**VIOLATIONS CHARGED:** Misbranding, soya milk powder, Section 403 (a), because of certain statements in the labeling which created the false and misleading impression that the article, when used as directed, would provide the nutritional values of milk; that it was rich in calcium; that it was a valuable source of proteins, vitamins, and minerals; that it contained substantial quantities of vitamins A, B, G, E, F, and K; that it was of special value by reason of the soya-bean protein present therein; and that it was particularly useful to individuals who must restrict their carbohydrate intake.

Misbranding, soya cereal, Section 403 (a), because of certain statements in the labeling which created the false and misleading impression that the article was essentially a soybean product, providing the nutritional value of soybeans; and that it was of unusual value as a source of vitamins A, B, G, E, F, and K and the vitamins of the B-complex, whereas the article contained substantial quantities of ingredients other than soybeans, and it was not of special value by reason of the presence of the vitamins named.

**DISPOSITION:** October 18, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

**7347. Misbranding of Vit-an-Min. U. S. v. S & R Laboratories, Inc. Plea of guilty. Fine, \$200 and costs. (F. D. C. No. 10598. Sample Nos. 3064-F, 3065-F.)**

**INFORMATION FILED:** January 29, 1944, Northern District of Illinois, against the S & R Laboratories, Inc., Chicago, Ill.

**ALLEGED SHIPMENT:** On or about April 20, 1943, from the State of Illinois into the State of Missouri.

**PRODUCT:** Examination disclosed that the product consisted of a light brown, powdered material containing essentially vitamins A, D, B<sub>1</sub>, and riboflavin, and the minerals, calcium, phosphorus, and iron.

**VIOLATION CHARGED:** Misbranding, Section 403 (a), because of false and misleading statements appearing in its labeling which represented and suggested that the article was of significant nutritional value by reason of the presence of vitamin B<sub>6</sub>, vitamin E, and other factors of the B-complex as found in brewers' yeast; that the article would give the user health and beauty; that it would insure normal functioning and correct abnormalities of the brain, pituitary gland, thyroid gland, parathyroid glands, thymus gland, spleen, pancreas, adrenal glands, gonads, prostate gland, pineal gland, mammary glands, and spinal cord; and that the article would extend youth, prolong life, promote growth and appetite, protect against infection and scurvy, prevent pellagra, and overcome sterility.

The article was 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. 1241.

**DISPOSITION:** On April 24, 1944, the defendant filed a motion to quash the information on the ground (1) that the article was not a drug, and (2) that each of the counts in the information, when considered with the affidavits attached thereto, were confusing and without sufficient certainty and particularity. Argument by counsel on the motion was thereafter heard, and on May 19, 1944, an order by the court in denial of the motion was entered. On June 26, 1944, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$200 and costs.

**7348. Adulteration and misbranding of vitamin A tablets. U. S. v. 3 Cans and 1 Can of Vitamin A Tablets. Default decree of condemnation and destruction. (F. D. C. No. 12161. Sample No. 957-F.)**

**LABEL FILED:** April 13, 1944, Northern District of Indiana.

**ALLEGED SHIPMENT:** On or about January 24 and February 15, 1944, by the V. M. V. Food Products Co., Oakland, Calif.

**PRODUCT:** 3 cans containing approximately 25,000 vitamin A tablets, and 1 can containing approximately 12,500 vitamin A tablets, at Hammond, Ind.

Examination showed that the article contained less than 2,500 U. S. P. units of vitamin A per tablet.

**LABEL, IN PART:** "No. 81A Vitamin 'A' Tablets \* \* \* 1 tablet supplies 25% more than the average daily requirements for Vitamin A."

**VIOLATIONS CHARGED:** Adulteration, Section 402 (b) (1), a valuable constituent, vitamin A, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the statement, "1 tablet supplies 25% more than the average daily requirements for Vitamin A," was false and misleading since the article contained substantially less vitamin A than was represented, the minimum adult daily requirement of vitamin A being 4,000 U. S. P. units.

**DISPOSITION:** October 23, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**7349. Adulteration and misbranding of vitamin tablets. U. S. v. E. S. Miller Laboratories, Inc. Plea of nolo contendere. Fine, \$500 on count 1, sentence suspended on count 2, and defendant placed on 2 years' probation. (F. D. C. No. 12572. Sample No. 36479-F.)**

**INFORMATION FILED:** October 2, 1944, Southern District of California, against the E. S. Miller Laboratories, Inc., Los Angeles, Calif.

**ALLEGED SHIPMENT:** On or about October 29, 1943, from the State of California into the State of Colorado.

**LABEL, IN PART:** "Miller Red Poly Vitamin."

**VIOLATIONS CHARGED:** Adulteration, Section 402 (b) (1), a valuable constituent of the article, vitamin A, had been in part omitted or abstracted therefrom, since the article was represented to contain in each tablet 5,000 International Units of vitamin A, and it contained less than 2,500 International Units of vitamin A.

Misbranding, Section 403 (a), the statement on the label, "Each Tablet Contains Vitamin A \* \* \* 5,000 I. U.," was false and misleading.

**DISPOSITION:** October 30, 1944. A plea of nolo contendere having been entered on behalf of the defendant, a fine of \$500 was imposed on count 1. Sentence was suspended on count 2, and the defendant was placed on probation for 2 years.

**7350. Misbranding of wheat germ. U. S. v. 49 Cases of Wheat Germ. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 13208. Sample No. 73320-F.)**

**LIBEL FILED:** August 9, 1944, Northern District of California.

**ALLEGED SHIPMENT:** On or about June 19, 1944, by Ener-G Cereal Corporation, from Seattle, Wash.

**PRODUCT:** 49 cases, each containing 12 1-pound packages, of wheat germ, at San Francisco, Calif.

Examination showed that the article was 60 percent deficient in vitamin B<sub>1</sub>.

**LABEL, IN PART:** "Jolly Joan Analyzed Wheat Germ Contains Vitamins B—G & E."

**VIOLATIONS CHARGED:** Misbranding, Section 403 (a), the label statement, "Vitamin B<sub>1</sub> (U. S. P. or International Units) 414.8," was false and misleading as applied to the article, which contained less than the stated amount of vitamin B<sub>1</sub>; the label statement, "Contains Vitamins G & E," was misleading since the article, when used as directed or as customarily consumed, supplied nutritionally inconsequential amounts of vitamin G, and the label failed to reveal that the quantity of vitamin E supplied was inconsequential, and that the need for vitamin E in human nutrition has not been established; and, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its vitamin A, vitamin B<sub>1</sub>, riboflavin, vitamin E, iron, calcium, and phosphorus content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of vitamin A, vitamin B<sub>1</sub>, riboflavin, calcium, phosphorus, and iron.

**DISPOSITION:** September 20, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.