

8799. Misbranding of Vitalex Vitamin and Iron Tablets. U. S. v. 8 Boxes of Vitalex Vitamin and Iron Tablets. Default decree of destruction. (F. D. C. No. 13179. Sample No. 68503-F.)

LABEL FILED: August 23, 1944, Southern District of Ohio.

ALLEGED SHIPMENT: On or about July 12, 1944, by the Carolina Chemical Co., Charleston, S. C.

PRODUCT: 8 boxes of the above-named product at Newark, Ohio. There were two unlabeled envelopes in each box, one containing brown-colored tablets and the other, light-colored tablets. Each of the brown-colored tablets contained 5 grains of iron sulfate, and the light-colored tablets contained brewers' yeast.

NATURE OF CHARGE: Misbranding, Section 403 (e), the article failed to bear a label on its immediate container stating the name and place of business of the manufacturer, packer, or distributor and an accurate statement of the quantity of the contents; and, Section 403 (j), it purported to be a food for special dietary uses by man, by reason of its content of iron and vitamin B₁, vitamin G, niacin, and other factors of the vitamin B complex, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of iron, vitamin B₁, and vitamin G and the quantity of niacin and other factors of the vitamin B complex supplied by a specified quantity of the food when consumed during a period of 1 day.

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. 1403.

DISPOSITION: On September 29, 1944, no claimant having appeared, judgment was entered ordering that the product be destroyed.

8800. Misbranding of Lock's 9.12 Formula. U. S. v. 168 Packages of Lock's 9.12 Formula. Default decree of condemnation. Product ordered delivered to the National Zoological Park, for use as animal feed. (F. D. C. No. 13361. Sample No. 79299-F.)

LABEL FILED: August 17, 1944, District of Columbia.

ALLEGED SHIPMENT: On or about August 2, 1944, by Lock's Laboratories, New York, N. Y.

PRODUCT: 168 packages of Lock's 9.12 Formula at Washington, D. C. Examination of a sample showed that the article consisted of approximately 63 percent of wheat germ, with smaller proportions of other ingredients, including seaweed, gum karaya, and yeast.

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements in the accompanying leaflet entitled "Eat for Health" were false and misleading since they represented and suggested that use of the article would assure health to the user; that the article would supply 9 vitamins and 12 minerals for which the need in human nutrition has been demonstrated and which are not supplied to the extent that they are needed in the ordinary diet; that the vitamins A, B, C, D, E, G, or B₂, B₆, niacin, and calcium pantothenate would promote appetite and growth, digestion and assimilation of food, normal nerve health, and normal adrenal function; that they would help to protect the eyes, ears, nose, and throat against infection, protect the body from nerve diseases and against infections of the respiratory tract, stimulate metabolic processes, and insure healthy blood vessels, gums, teeth, and skin; that those vitamins would prevent low resistance of the mucous membrane to cold infection, lowered resistance to skin infections, stones in kidney and bladder, poor vision, tear duct infections, corneal ulcers, rough, dry skin, nervousness, irritability, dyspepsia, retarded growth, brain disturbance, heart disturbance, dry, scaly skin, lack of muscular tone, weakness, loss of weight and vigor, weakened blood capillaries, general tendency to bleeding, decreased red blood cells, tender joints (pain and swelling), cataracts, sallow, pale complexion, anemia, spongy, swollen gums, decayed and defective teeth, low blood pressure, loss of appetite, reduced adrenal secretion, peptic and duodenal ulcer, bone abscesses, lowered resistance to tuberculosis, bowlegs, sterility, digestive disturbances, dermatitis, pigmentation and thickening of the skin, soreness and inflammation of the tongue and mouth, diarrhea, colitis, nervous and mental disorders, secondary anemia, and dullness and loss of hair; and that the hair is nourished by sulfur, iodine, and silicon, the stomach by sulfur and vitamin B₁, the brain by manganese, phosphorus,

and vitamins B and G, the gall bladder by sodium, the eyes by fluorine and vitamin A, the intestine by magnesium, the thyroid gland by iodine, the kidney by magnesium, the teeth by calcium, silicon, and vitamin D, the adrenal gland by magnesium and vitamins A, B, C, and G, the throat by vitamin A, the blood stream by iron, oxygen, hydrogen, and vitamin A, the liver by chlorine, the muscles by potassium, and the heart by potassium and vitamins A and G. Use of the article would not assure health to the user; it would not supply 9 vitamins and 12 minerals for which the need in human nutrition has been demonstrated and which are not supplied to the extent that they are needed in the ordinary diet; the vitamins A, B, C, D, E, G or B₂, B₆, niacin, and calcium pantothenate would not serve the purposes nor prevent the pathological conditions stated; and the parts of the body mentioned are not specifically nourished by the stated elements and vitamins.

Further misbranding, Section 403 (a), the label statements, "contain * * * Potassium, Sulphur, Sodium * * * Copper, Chlorine, Manganese, Zinc" and "The minimum daily requirements of * * * Potassium, Sulphur, Sodium * * * Copper, Chlorine, Zinc and Manganese have not yet been established for human nutrition," were misleading in the absence of a statement to the effect that these elements, to the extent that they may be needed in human nutrition, are supplied by the ordinary diet so that it is unnecessary to supplement the diet with preparations of them; Section 403 (i), the label failed to bear the common or usual name of each ingredient since the label statement, "Contains * * * Iron, Calcium, Phosphorus," did not reveal the common or usual names of the compounds of those elements present; 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 vitamin E, vitamin B₆, calcium pantothenate, and magnesium content, and its label failed to bear, as required by the regulations, the statement that the need in human nutrition for vitamin E, vitamin B₆, calcium pantothenate, and magnesium has not been established.

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. 1439.

DISPOSITION: October 25, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to the National Zoological Park, for use as animal feed.

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PRODUCTS

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