

**10345. Adulteration of mincemeat. U. S. v. 2 Barrels of Mince Meat. Default decree of condemnation and destruction. (F. D. C. No. 17248. Sample No. 28885-H.)**

**LABEL FILED:** September 5, 1945, Western District of Washington.

**ALLEGED SHIPMENT:** On or about July 19, 1945, by Confectioners Traffic Bureau, from San Francisco, Calif.

**PRODUCT:** 2 barrels, each containing approximately 475 pounds, of mincemeat at Seattle, Wash.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy and decomposed substance by reason of the presence of rodent hairs and fermented mincemeat.

**DISPOSITION:** January 17, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**10346. Adulteration of salt. U. S. v. 146 Bags of Salt. Default decree of forfeiture. Product ordered disposed of for nonfood purposes. (F. D. C. No. 17267. Sample No. 11569-H.)**

**LABEL FILED:** August 31, 1945, District of Vermont.

**ALLEGED SHIPMENT:** On or about April 26, 1945, from Watkins Glen, N. Y.

**PRODUCT:** 146 100-pound bags of salt at Hinesburg, Vt., in possession of C. Economou. The product was stored under insanitary conditions after shipment. Rodent pellets and urine stains were observed on the bags, and examination showed that the product was contaminated with rodent urine.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** February 12, 1946. No claimant having appeared, judgment of forfeiture was entered and the product was ordered delivered to the City of Burlington, Vt., to be used for highway purposes.

#### VITAMIN PREPARATIONS AND FOODS FOR SPECIAL DIETARY USES\*

**10347. Adulteration and misbranding of Patten's Vitamin and Mineral Tablets, Multiplex Tablets, and Hi-B Complex Tablets. U. S. v. Patten Concentrates, Inc., and Milton D. Grosz. Pleas of nolo contendere. Corporation fined \$500 on 1 count; imposition of sentence suspended on remaining counts against corporation and on all counts against individual defendant. Both placed on probation for 3 years. (F. D. C. No. 17799. Sample Nos. 70978-F, 74782-E, 74783-F.)**

**INFORMATION FILED:** March 11, 1946, Southern District of California, against Patten Concentrates, Inc., a corporation, Burbank, Calif., and Milton D. Grosz, president of the corporation.

**ALLEGED SHIPMENT:** On or about February 8 and November 6, 1944, from the State of California into the State of Oregon.

**NATURE OF CHARGE:** Vitamin and Mineral tablets. Adulteration, Section 402 (b) (1), valuable constituents of the product had been omitted in whole or in part in that the label represented that 6 tablets would supply not less than 5,000 U. S. P. Units of vitamin A, 600 U. S. P. Units of vitamin C, and 10,000 gamma (10 mgs.) of niacin; that 6 tablets would supply 1¼ times the minimum daily requirements for adults, 12 years or older, of vitamin A and the minimum requirement of vitamin C and phosphorus. The article would supply smaller amounts and proportions of vitamins A and C and niacin and phosphorus than represented. Misbranding, Section 403 (a), the label statements, "Six tablets (2 after each meal) will supply daily 'A' 5,000 U. S. P. Units \* \* \* 'C' - - - 600 U. S. P. Units \* \* \* Niacin - - - 10,000 Gamma (10 mgs.)" and "Six Tablets daily (2 at meal time) will supply 1¼ times vitamin A \* \* \* 1 time C, \* \* \* 1 time Phosphorus, \* \* \* ratio to the minimum daily requirement for adults 12 years or older," were false and misleading.

Multiplex Tablets. Adulteration, Section 402 (b) (1), a valuable constituent, vitamin A, had been in whole or in part omitted in that the label represented that 6 tablets contained not less than 5,000 U. S. P. Units of vitamin A, whereas they contained a smaller amount of vitamin A. Misbranding, Section 403 (a),

\*See also No. 10252.

the label statement, "Each six tablets contain the following: Vitamins: A 5,000 U. S. P. Units \* \* \* Minerals; Calcium 948 Milligrams \* \* \* Iron 15 Milligrams; Iodine 0.1 Milligram," was false and misleading. The product contained less than the labeled amount of vitamin A, and 6 tablets contained greater amounts of calcium, iron, and iodine than represented.

**Hi-B Complex Tablets.** Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B<sub>1</sub>, had been in whole or in part omitted since each tablet was represented to contain not less than 675 U. S. P. Units of vitamin B<sub>1</sub>, but each tablet contained a smaller amount. Misbranding, Section 403 (a), the label statement, "Each Tablet Contains Vitamin B<sub>1</sub>, 675 U. S. P. Units," was false and misleading; and, Section 403 (e) (1), the article was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor. Further misbranding, Section 403 (j), it purported to be and was represented as a food for special dietary uses by man by reason of its vitamin properties in respect to its vitamin B<sub>1</sub>, B<sub>2</sub>, and B<sub>6</sub> and pantothenic acid and nicotinic acid content; 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 the label failed to bear a statement of the proportion of the minimum daily requirements for vitamins B<sub>1</sub> and B<sub>2</sub> which would be supplied by the article when consumed in a specified quantity during a period of 1 day; and its label failed to bear a statement that the need in human nutrition had not been established for vitamin B<sub>6</sub> and pantothenic acid.

**DISPOSITION:** April 2, 1946. Pleas of nolo contendere having been entered on behalf of the defendants, the corporation was fined \$500 on 1 count. Imposition of sentence on the remaining counts against the corporation and on all counts against the individual was suspended for 3 years, and both defendants were placed on probation for that period.

**10348. Misbranding of Yogurt Culture. U. S. v. International Yogurt Co. and Richard Tille. Pleas of nolo contendere. Fine of \$200 against each defendant; fine against company remitted. (F. D. C. No. 16567. Sample Nos. 73780-F, 28602-H, 28617-H.)**

**INFORMATION FILED:** April 15, 1946, Southern District of California, against the International Yogurt Co., a partnership, Beverly Hills, Calif., and Richard Tille, a partner and manager of the firm.

**ALLEGED SHIPMENT:** On or about November 15 and December 13, 1944, from the State of California into the States of Arizona and Washington.

**PRODUCT:** Bacteriological examination of samples of the article showed it to be a starter culture, containing viable lactobacilli.

**LABEL, IN PART:** (Bottle) "Original Bulgarian Yogurt Culture From the Laboratory of International Yogurt Company Beverly Hills, California Prepared under the Scientific Supervision of Rosell Bacteriological Dairy Institute La Trappe, Canada."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), certain statements in accompanying circulars entitled, "ABC of making Genuine Bulgarian Yogurt at Home," "Yogurt Culture a Health Aid," and "Keep Young With Rosell Institute Yogurt Culture," were false and misleading. The statements in the circulars represented and suggested that the article would keep one young; that it would create in the user the feeling of general well-being and health; that it would cause the increased longevity implied in the expression "Adds life to your years and years to your life"; that it would prolong life by eliminating self-poisoning (auto-intoxication); that it would prevent premature old age; that it would be of great benefit in many types of gastrointestinal disturbances; that it would prevent injury of our most precious organs, arteries, brain, liver, and kidneys; and that it would aid delicate digestion. The article would not be efficacious for the purposes claimed.

**DISPOSITION:** May 6, 1946. Pleas of nolo contendere having been entered on behalf of the defendants, the court imposed fines of \$100 on each count, a total of \$200, respectively, against both the partnership and the individual defendant. The fine against the partnership defendant was remitted.