

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, beetles, cast skins, insects, and insect fragments; and, Section 402 (a) (4), (portion only) it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: February 26 and March 11, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered disposed of for use as animal feed.

VITAMIN PREPARATIONS AND FOODS FOR SPECIAL DIETARY USES

10695. Misbranding of Allen's Nijara Capsules. U. S. v. Allen Products Co., Inc., and Marion Allen. Pleas of guilty. Fine, \$75. (F. D. C. No. 10539. Sample Nos. 37131-F, 37143-F, 37149-F.)

INFORMATION FILED: March 24, 1945, District of Columbia, against the Allen Products Co., Inc., Washington, D. C., and Marion Allen, president of the corporation.

ALLEGED SHIPMENT: On or about February 24 and March 23, 1943, within the District of Columbia.

PRODUCT: Microscopic examination showed that the product consisted essentially of green stem and leaf material, including parsley and water cress.

Vitamin assays showed that each capsule contained less than 5 U. S. P. Units of vitamin A, 4.4 micrograms (0.0044 milligram) of thiamine hydrochloride (vitamin B₁), 0.5 milligram of vitamin C, less than 4 U. S. P. Units of vitamin D, 9 micrograms (0.009 milligram) of riboflavin, and 86 micrograms (0.086 milligram) of nicotinic acid.

Chemical analysis showed that each capsule contained approximately 4.3 milligrams of calcium, 3.2 milligrams of phosphorus, and 0.4 milligram of iron.

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements in the circulars enclosed in the boxes containing the article were false and misleading since they represented and created the false impression that the article was a new food; that it was a concentrated dietary supplement; and that it would supply the body with the essential minerals and vitamins necessary to replace bodily mineral and vitamin deficiency, which minerals and vitamins are necessary to health. The article when used according to directions would supply not more than one-fifth of the minimum daily requirements for iron, an inconsequential fraction of the minimum daily requirements of the body for such essential vitamins as vitamin A, vitamin B₁, vitamin C, vitamin D, and riboflavin, and such essential minerals as calcium and phosphorus, and but an insignificant amount of nicotinic acid.

Further misbranding, Section 403 (j), the article purported to be and was represented for special dietary uses by man by reason of its vitamin and mineral properties, and its label did not bear a statement of the dietary properties upon which such use was based in whole or in part, including a statement showing the presence or absence of specific essential minerals and vitamins.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1982.

DISPOSITION: June 22, 1945. Pleas of guilty having been entered on behalf of the defendants, the court imposed a total fine of \$75.

10696. Misbranding of Kia-Tone Mineral Food Supplement. U. S. v. 5 Bottles * * * and a number of circulars. (F. D. C. No. 18165. Sample No. 32247-H.)

LIBEL FILED: November 13, 1945, District of Arizona.

ALLEGED SHIPMENT: On or about July 3, 1945, by the Kia-Min Laboratories, from Los Angeles, Calif.

PRODUCT: 5 8-ounce bottles of Kia-Tone Mineral Food Supplement at Glendale, Ariz., together with a number of circulars entitled "Man's Rightful Heritage," which had been shipped with the product.

Analysis disclosed that the product consisted of water and an iron compound, very small portions of calcium, aluminum, and magnesium compounds with traces of phosphates and iodides.