

Misbranding, Section 403 (a), the label statement, namely, "Each Brown Tablet contains: * * * Vitamin D (Irradiated Ergosterol) 200 U. S. P. Units," was false and misleading as applied to the article, which contained less than the stated amount of vitamin D. Further misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its vitamin and mineral content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of calcium and phosphorus supplied by the article when consumed in a specified quantity during a period of one day.

The article was adulterated and misbranded in the above respects while held for sale after shipment in interstate commerce.

DISPOSITION: September 29, 1954. Default decree of condemnation and destruction.

21746. Misbranding of organic mineral salt. U. S. v. 6 Cases, etc. (F. D. C. No. 36115. Sample No. 54264-L.)

LIBEL FILED: November 12, 1953, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about August 20, 1953, by Dr. E. H. Bronner & Associates, from Los Angeles, Calif.

PRODUCT: 6 cases, each containing 24 6-ounce bottles, and 1 case, containing 24 12½-ounce bottles, of organic mineral salt at Detroit, Mich.

LABEL, IN PART: (Bottle) "Dr. Bronner's Organic-Mineral-Salt A Health Food Rich In Organically Grown Selected Vegetables, Minerals, Trace Elements, Iodine & Potash Contains dehydrated, uncooked, fine Alfalfa, Dulse, Okra, Vegetable-Seasoning, Wheat Germ, Soya, Parsley & over 6% of the 100% edible, 100% tooth-&bone-building-Hereford-Texas-type Organic-Calcium-Phosphorus-Magnesium-Fluoride activated with high grade Brewers Yeast, Chlorophyll & Lecithin rich in all natural minerals & B-Complex Vitamins; Thiamin, Riboflavin, Niacin, B-12, Protein, Iron & Iodine."

NATURE OF CHARGE: Misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its vitamin and mineral content, and its label failed to bear such information concerning its calcium, phosphorous, magnesium, iron, iodine, fluorine, thiamine, riboflavin, niacin, and vitamin B₁₂ content as has been determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to its value for such uses since its label failed to state the proportion of each of such vitamins and minerals contained in the article when consumed in a specified quantity during a period of one day.

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. 4375.

DISPOSITION: January 20, 1954. Default decree of condemnation and destruction.

21747. Adulteration and misbranding of Min-Vita Pre-Mix and Pork-Maker Pre-Mix. U. S. v. 50 Bags, etc. (F. D. C. No. 37073. Sample Nos. 89516-L, 89517-L.)

LIBEL FILED: August 27, 1954, Northern District of Iowa.

ALLEGED SHIPMENT: On or about July 6, 1954, by McConnon & Co., from Winona, Minn.

PRODUCT: 50 50-pound bags of Min-Vita Pre-Mix for poultry and 75 50-pound bags of Pork-Maker Pre-Mix at West Union, Iowa.

LABEL, IN PART: "McConnon Double Concentrated Min-Vita Pre-Mix For Poultry Guaranteed Analysis * * * Niacin 320 mg. per pound" and "McConnon Double Concentrated Pork-Maker Pre-Mix Guaranteed Analysis * * * Niacin 96 mg. per pound."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, niacin, had been in part omitted or abstracted from the articles.

Misbranding, Section 403 (a), the label statements "Guaranteed Analysis * * * Niacin 320 mg. per pound" (Min-Vita Pre-Mix) and "Guaranteed Analysis * * * Niacin 96 mg. per pound" (Pork-Maker Pre-Mix) were false and misleading as applied to the articles, which contained less than the stated amounts of niacin.

DISPOSITION: October 8, 1954. McConnon & Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the articles be released under bond for reprocessing under the supervision of the Department of Health, Education, and Welfare. The articles were brought into compliance with the law by the addition of niacin to bring their vitamin content up to the label declaration.

MISCELLANEOUS FOODS

21748. Adulteration and misbranding of miscellaneous foods. U. S. v. 300 Cases
* * *. (F. D. C. No. 36496. Sample Nos. 80452-L, 80453-L.)

LIBEL FILED: April 13, 1954, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: From various sources outside the State of Pennsylvania, prior to November 1951.

PRODUCT: 300 cases, each containing 24 or 48 cans, of apricot nectar, diced carrots, fruit cocktail, whole kernel corn, sweet corn, sweet peas, sardines, pineapple tidbits, tomatoes, and mixed vegetables at Philadelphia, Pa.

RESULTS OF INVESTIGATION: The products were involved in two fires at a Philadelphia, Pa., warehouse in 1951 and had been sold to Morris Factor of Philadelphia as salvage goods, who, in turn, resold the products.

Examination showed that many cans were rusted, pinholed, and had no labels or illegible labels, and that the contents of many of the cans were decomposed or otherwise unfit for food.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the articles consisted in whole or in part of decomposed substances and were otherwise unfit for food.

Misbranding, Section 403 (e) (1) and (2), Section 403 (g) (2), and Section 403 (i) (1) and (2), the articles failed to bear proper labels as required by such sections.

The articles were adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: May 6, 1954. Morris Factor, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the products be released under bond for segregation and destruction of the unfit portions and for relabeling of the portions which were only misbranded, under the supervision of the Department of Health, Education, and Welfare. As a result of the segregation operations, 229 cases of the