

The order further provided that neither it, nor the return of the articles and pamphlets to the claimants thereunder would constitute or imply any adjudication upon the issues of the truth or falsity of the claims appearing in said pamphlets under Sections 502(a) and 403(a) as charged in the libel, as the question of such truth or falsity had not been adjudicated.

26598. Bio-Zyme tablets. (F.D.C. No. 43314. S. No. 32-856 P.)

QUANTITY: 1 drum of 8,300 tablets at East Orange, N.J.

SHIPPED: 6-4-59, from Inwood, Long Island, N.Y.

LABEL IN PART: (Btl. label attached to drum) "100 Gelvets BIO-ZYME Nutritional Supplement * * * Each Bio-Zyme Gelvet contains * * * Vitamin B-1 * * * 5 mg. MDAR 500% Niacinamide * * * 20 mg. * Vitamin B-12 activity 6 mcg. MDAR—Minimum daily adult requirement * need in human nutrition established but no MDAR established Sole Distributors—American Pharmaceutical Products Co. 3033 Newark, New Jersey."

LIBELED: 7-27-59, Dist. N.J.

CHARGE: 402(b)(1)—while held for sale, the valuable constituents, vitamin B₁, vitamin B₁₂, and niacinamide, had been in part omitted or abstracted from the article; and 403(a)—while held for sale, the label statement "Bio-Zyme is a scientifically formulated synergistic combination of enzymatic factors with amino acids, minerals, protein and carbohydrate digestive enzymes plus vitamins of the B Complex group * * *" was false and misleading since there is no scientific justification for formulating a synergistic combination of enzymatic factors, and the label statement "Niacinamide * * * need in human nutrition established but no MDAR established" was false and misleading since the minimum daily requirement for niacinamide has been established.

DISPOSITION: 8-27-59. Default—destruction.

26599. Protein dietary supplement. (F.D.C. No. 43545. S. Nos. 69-681/2 P.)

QUANTITY: 1 case containing 10 1,000-tablet btl., 33 cases, 12 300-tablet btl., each, 12 cases, 12 80-tablet btl., each, and 7 1,000-tablet btl., 23 300-tablet btl., and 60 80-tablet btl., at Minneapolis, Minn.

SHIPPED: Between 4-30-59 and 6-17-59, from Omaha, Nebr., by Vitamin Industries.

LABEL IN PART: (Btl.) "Verne Gagne's Fortified Protein Three P's Protein Power Pack Dietary Supplement Distributed by Vitamin Industries, 1511 Davenport St., Omaha, Nebr. * * * Ingredients: The readily available natural food protein factors in Three P's are composed of a special, skillfully blended formulation consisting of Soya Lecithin, Soy Powder, Solids of defated, dehydrated milk, barley malt, Sucrose, Dextrose, Debittered Special Strain Yeast, with natural purified Bone Meal."

LIBELED: 9-23-59, Dist. Minn.

CHARGE: 403(a)—when shipped, the label statements, "Fortified Protein," "Protein Power Pack," "Champion of the World," and "Protein Concentrate," together with a picture of an athlete on the label, represented and suggested that the article was a fortified protein, that it was a protein concentrate, that its protein content would supply a significant amount of strength and power, and that the user would develop an athletic physique, which statements and design were false and misleading since they were contrary to fact; 403(e)(2)—a portion of the 80-tablet size bottle failed

to bear a label containing an accurate statement of the quantity of contents (the label statement "80 tablets" was inaccurate); and 403(j)—the article purported to be and was represented as a food for special dietary use by reason of its protein content for the purpose of controlling body weight and its label failed to bear, as required by regulations, a statement of the percent by weight of protein, fat, and available carbohydrates in the article, and a statement of the number of available calories supplied by a specified quantity of the article.

DISPOSITION: 11-9-59. Default—destruction.

26600. Baker's Cab-Plex. (F.D.C. No. 44360. S. No. 90-663 P.)

QUANTITY: 2 ctns., 25,500 capsule total, and 38 100-capsule btl., 3 500-capsule btl., and 4 1,000-capsule btl., at Boston, Mass., in possession of Chester A. Baker Laboratories, Inc.

SHIPPED: 11-19-58, from Detroit, Mich., by Gelatin Products Div., R. P. Scherer Corp.

LABEL IN PART: (Ctn.) "Quantity 18,000 Customers Order #17892 B-Complex Capsules G.P. Lot #95144 Product #35381 Ingredients in each capsule Thiamine Hydrochloride 5 mg. * * * Niacinamide 20 mg. * * * Folic Acid 0.1 mg. Vitamin B-12 activity (from Cobalamin Concentrate) 1 mcg. * * * Gelatin Products Division R. P. Scherer Corporation, Detroit 13, Michigan," and (btl.) "Baker's Cab-Plex Vitamin B-Complex Each Capsule Contains: Thiamin Chloride (B₁) U.S.P. 5 mg. * * * Distributed by Chester A. Baker Laboratories, Inc. Boston, Massachusetts * * * The minimum daily requirement of niacinamide has not been established. The need for Vitamin B₁₂ and Folic Acid * * * has not been established. 81229."

RESULTS OF INVESTIGATION: Examination showed that the article contained approximately 60 percent of the declared amount of vitamin B₁. The capsules in the bottles were repacked by the dealer from the bulk stock shipped and labeled as described above.

LIBELED: 3-3-60, Dist. Mass.

CHARGE: 402(b)(1)—while held for sale, the valuable constituent, vitamin B₁, had been in part omitted or abstracted from the article; 403(a)—while held for sale, the label statement (bulk & repack) "Each Capsule * * * Thiamin Chloride * * * 5 mg." was false and misleading; and the label statements "The minimum daily requirement of niacinamide has not been established. The need for Vitamin B₁₂ and Folic Acid * * * has not been established." were false and misleading since they were contrary to fact; and when shipped, the label statement "Niacinamide 20 mg.* The daily adult requirement has not been established." was false and misleading since it was contrary to fact; and 403(j)—when shipped, and while held for sale, the label of the article failed to bear, as required by regulations, a statement of the minimum daily requirement for niacinamide supplied by such food when consumed in a specified quantity during a period of one day.

DISPOSITION: 4-11-60. Default—delivered to a charitable institution.