

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.

U.S. Department of Health, Education, and Welfare

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

26601-26650

FOODS

The cases reported herewith were instituted in the United States district courts by United States attorneys, acting upon reports submitted by the Department of Health, Education, and Welfare. They involve foods which were adulterated or misbranded within the meaning of the Act when introduced into and while in interstate commerce, when shipped to a holder of a guaranty, or while held for sale after shipment in interstate commerce. These cases involve (1) seizure proceedings in which decrees of condemnation were entered by default, or by consent; (2) criminal proceedings which were terminated upon pleas of guilty or nolo contendere; and (3) an injunction proceeding terminated upon the entry of a temporary injunction by consent. The seizure proceedings are civil actions taken against the *goods* alleged to be in violation, and the criminal and injunction proceedings are against the *firms* or *individuals* charged to be responsible for violations.

Published by direction of the Secretary of Health, Education, and Welfare.

GEO. P. LARRICK, *Commissioner of Food and Drugs.*

WASHINGTON, D.C., November 16, 1960.

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SECTIONS OF FEDERAL FOOD, DRUG, AND COSMETIC ACT INVOLVED IN VIOLATIONS
REPORTED IN F.N.J. NOS. 26601-26650

Adulteration, Section 402(a)(2), the article was a raw agricultural commodity and contained a pesticide chemical which was unsafe within the meaning of Section 408(a); Section 402(a)(3), the article consisted in part of a filthy or decomposed substance, or it was otherwise unfit for food; Section 402(a)(4), the article had been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth; Section 402(b)(1), a valuable constituent had been in whole or in part omitted or abstracted from the article; Section 402(b)(2), a substance had been substituted in whole or in part for the article; Section 402(b)(4), a substance had been added to the article or mixed or packed therewith so as to make it appear better or of greater value than it was; Section 408(a), a poisonous or deleterious pesticide chemical had been added to a raw agricultural commodity, and no tolerance or exemption from the requirement of a tolerance had been prescribed by the Secretary of Health, Education, and Welfare.

Misbranding, Section 403(a), the labeling of the article was false and misleading; Section 403(e)(2), the article was in package form and it failed to bear a label containing an accurate statement of the quantity of contents in terms of weight; Section 403(f), a word, statement, or other information required by or under authority of the Act to appear on the label or labeling was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use; Section 403(h)(2), the article purported to be and was represented as a food for which a standard of fill had been prescribed by regulations and it fell below such standard and its label failed to bear a statement that it fell below such standard; Section 403(j), the article purported to be and was represented for special dietary uses, and its label failed to bear such information concerning its vitamin, mineral, and other dietary properties as the Secretary determined to be, and by regulation prescribed as, necessary in order fully to inform purchasers as to its value for such uses.

CEREALS AND CEREAL PRODUCTS

FLOUR

26601. Flour. (F.D.C. No. 44125. S. No. 41-803 R.)

QUANTITY: 40 100-lb. bags at Fresno, Calif., in possession of Lawrence Warehouse Co.

SHIPPED: 12-29-58, from Seattle, Wash.

LIBELED: 4-15-60, S. Dist. Calif.

CHARGE: 402(a)(3)—contained rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 6-2-60. Default—destruction.

26602. Flour. (F.D.C. No. 44381. S. Nos. 4-102/4 R.)

QUANTITY: 18 bales, 5 10-lb. bags each, and 39 bales, 10 5-lb. bags each, at Charlottesville, Va., in possession of Dettor, Edwards & Morris, Inc.