

RESULTS OF INVESTIGATION: Examination showed that the article contained approximately 50 percent of the declared amount of vitamin B-1 and 70 percent of the declared amount of vitamin C.

LIBELED: 1-5-62, Dist. Kans.

CHARGE: 402(b)(1)—while held for sale, the valuable constituents, vitamin B-1 and vitamin C, had been in part omitted or abstracted from the article; and 403(a)—the label statements "Vitamin B-1 2 mg. * * * Vitamin C * * * 20 mg." were false and misleading as applied to a product containing less than the declared amounts of these vitamins.

The libel alleged also that another article was adulterated and misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices, No. 7101.

DISPOSITION: 5-23-62. Default—destruction.

28794. Vitamin and mineral tablets. (F.D.C. No. 48220. S. Nos. 54-126/7 T.)

QUANTITY: 3 drums, each containing 15,000 Rich-L-Ron tablets; 14 ctns., containing 36 28-tablet pkgs. each, of Rich-L-Ron tablets; and 44 ctns., containing 36 28-tablet pkgs. each, of Ri-Vita-Min tablets, at Warren, Ohio, in possession of Richfield Pharmaceuticals.

SHIPPED: 5-19-62, from Orangeville, Ill., by Richfield Pharmaceuticals.

LABEL IN PART: (Pkg.) "Rich-L-Ron—RLR 1000 E.C. Maroon Each Tablet Contains: * * * Folic Acid, U.S.P. 0.75 Mg. * * * Dosage: 1 to 3 tablets after each meal * * * Manufactured for Richfield Pharmaceuticals Orangeville, Illinois" and (pkg.) "Ri-Vita-Min—RV 1000 S.C. Crimson Each Tablet Contains: * * * Folic Acid U.S.P. 0.5 mg. * * * Dose: 1 or 2 tablets daily or as directed * * * Manufactured for Richfield Pharmaceuticals Orangeville, Illinois."

RESULTS OF INVESTIGATION: The dealer had originally been located in Orangeville, Ill., and had subsequently shipped the tablets to Warren, Ohio, where they were repacked into packages and labeled as described above.

LIBELED: 10-16-62, N. Dist. Ohio.

CHARGE: 402(a)(2)(C)—when shipped, the articles contained a food additive, namely, folic acid, which was unsafe within the meaning of 409, since it and its use or intended use were not in conformity with a regulation or exemption in effect pursuant to 409.

DISPOSITION: 1-4-63. Default—destruction.

28795. Instant Protein. (F.D.C. No. 45754. S. No. 12-862 R.)

QUANTITY: 11,586 8-oz. cans at Chicago, Ill., in possession of Rexall Drug Co.

SHIPPED: 2-14-61, from St. Louis, Mo., by Rexall Drug Laboratory.

LABEL IN PART: (Can) "Rexall Chocolate Instant Protein * The Natural Protein Concentrate * * * Rexall Drug Company Pharmaceutical Chemists * * * St. Louis."

ACCOMPANYING LABELING: Leaflet entitled "Now Live All Of The Day All Of The Way if protein lack is slowing you down."

LIBELED: 4-28-61, N. Dist. Ill.

CHARGE: 403(a)—when shipped and while held for sale, the labeling of the article contained false and misleading representations that two heaping teaspoonsful (1 oz.) of the article would supply significant amounts of quick energy because it contained protein; would satisfy hunger and significantly improve nutrition while reducing calories; was high in protein although low in calories; was instant protein and a natural protein concentrate; and that other complete proteins on the market were not balanced proteins; 403(a)—the statement "Chocolate" was false and misleading since the article did not contain chocolate; and 403(j)—the article purported to be and was represented as a food for special dietary use and its label failed to bear such information concerning its dietary properties as the Secretary has determined to be, and by regulations prescribed as necessary, since the article contained the nonnutritive artificial sweetener, sodium cyclamate, and its label failed to bear, as required by regulations, a statement of the percent by weight of such constituent, and, in juxtaposition with the name of such constituent, the word "nonnutritive."

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. 7108.

DISPOSITION: 4-30-62. Consent—claimed by Rexall Drug & Chemical Co. and released under bond for relabeling.

28796. Nutri-Seal Admix. (F.D.C. No. 44689. S. No. 43-563 R.)

QUANTITY: 54 cases, each containing 4 1-gal. btls. of Nutri-Seal Admix at Caldwell, Idaho; and 10 1-gal. btls. of Nutri-Seal Admix and 1,160 ½-gal. ctns. of a 2 percent skim milk product containing Nutri-Seal Admix at Boise and Nampa, Idaho, in possession of Home Dairies Co.

SHIPPED: Between 9-8-59 and 6-21-60, from Los Angeles, Calif., by Nutri-Seal Corp.

LABEL IN PART: (Btl.) "Net Contents 128 Fluid Ounces 9-Vitamin Concentrate Nutri-Seal Admix, Nutri-Seal Corporation, * * * Los Angeles 19, California" and (ctn. of the 2 percent skim milk product containing the Admix) "Home Dairies Enriched Fortified 2% Lo-Fat with Nutri-Seal 9-Vitamins * * * Grade 'A' Fortified and Enriched Skim Milk."

ACCOMPANYING LABELING: Folders reading in part "Home Dairies, Nature's Finest, Most Complete Food" and "Home Dairies Enthusiastically Announces"; and 24 cases, each containing 300 empty ½-gal. cartons which bore labels that were the same as the label on the above-described cartons.

RESULTS OF INVESTIGATION: The accompanying labeling had been printed for Home Dairies Co. and was used in promoting sales of the 2 percent skim milk product containing the Nutri-Seal Admix.

All of the Nutri-Seal Admix had been shipped to Caldwell, Idaho, consigned to the shipper, Nutri-Seal Corp. Some of the Admix had been distributed to Home Dairies Co. after which a portion was incorporated into the 2 percent skim milk product.

LIBELED: 7-1-60, Dist. Idaho; amended libel on or about 11-28-61.