

**CHARGE:** (Original libel), 403(a)—while held for sale, the labeling of the Nutri-Seal Admix at Boise and Nampa, Idaho, both before and after being mixed with the 2 percent skim milk product contained false and misleading representations that "2% Lo-Fat \* \* \* Skim Milk" with "Nutri-Seal Admix" added was more nutritious than whole milk, that the article was low in fat and low in calories, that the natural vitamins in milk were in the butterfat and that if the butterfat content was reduced, all such vitamins were also reduced, that the "Nutri-Seal Admix" was recommended by the U.S. Food and Drug Administration and the National Research Council to be added to 2 percent skim milk, that the "Nutri-Seal Admix," when added to 2 percent skim milk, would act as an antioxidant to preserve unsaturated fatty acids in the body, and would promote protein, fat, and cellular metabolism in the body, and that the foods listed in the chart in the folder entitled "Home Dairies Nature's Finest Most Complete Food," of vitamins A, D<sub>2</sub>, E, C, B<sub>1</sub>, B<sub>2</sub>, B<sub>6</sub>, niacinamide, and pantothenol in the articles were the "Sources" of such vitamins; and (amendment to libel), 403(a)—when shipped, the labeling of the Nutri-Seal Admix at Caldwell, Idaho, contained statements which were misleading since they suggested that the article, a vitamin concentrate, was suitable as an addition to cottage cheese and to creamed cottage cheese, whereas regulations did not permit the addition of vitamins to such foods.

The libel alleged also that the article was misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices, No. 7083.

**DISPOSITION:** On 12-6-60, a default decree of condemnation was entered against the 1-gal. btl. of Nutri-Seal Admix and 1/2-gal. cartons of the 2 percent skim milk product containing the Admix which were in possession of Home Dairies Co., at Boise and Nampa, Idaho. The decree provided that such articles should be destroyed except for 4 1-gal. bottles of the Admix, 25 empty half gal. cartons of 2 percent skim milk product and a number of folders which should be delivered to the Food and Drug Administration.

On 3-27-61, the Home Dairies Co., having filed claim for the 1/2-gal. empty milk cartons, a decree amending the decree of 12-6-60, was entered providing for the release under bond of the cartons for purpose of salvage.

On 11-30-61, the Nutri-Seal Corp., claimant for the 54 cases of Nutri-Seal Admix at Caldwell, Idaho, having denied that the article was misbranded as alleged in the original libel but not denying that the labeling contained statements that the article was suitable as an addition to cottage cheese as alleged in the amendment to the libel and having consented to the entry of the decree, judgment of condemnation was entered and the article was ordered released under bond for relabeling in compliance with the law. On 6-22-62, the claimant having decided not to relabel the article and agreeing to its disposition within the discretion of the court, an order was entered for destruction of the article.

**28797. Eastrone solution for poultry.** (F.D.C. No. 48032. S. No. 79-853 T.)

**QUANTITY:** 21 300-cc. btl. and 35 30-cc. btl. at St. Paul, Minn.

**SHIPPED:** 3-22-61 and 3-19-62, from Vineland, N.J., by Eastern Laboratories, Inc.

**LABEL IN PART:** (Btl. and ctn.) "Eastrone, a solution of diethylstilbestrol to be used only in drinking water for chickens. Each cc contains 50 mg. diethylstilbestrol solubilized and stabilized \* \* \* Manufactured only by Eastern Laboratories, Inc., 1229-31 Washington Ave., Vineland, New Jersey. For veterinary use only. Caution use only according to enclosed directions."

**ACCOMPANYING LABELING:** Carton inserts entitled "Directions for Using Eastrone."

**LIBELED:** 9-21-62, Dist. Minn.

**CHARGE:** 402(a)(2)(C)—when shipped, the article contained a food additive, namely, diethylstilbestrol, 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:** 11-6-62. Default—destruction.

**28798. Eastrone solution for poultry.** (F.D.C. No. 48235. S. Nos. 67-586/8 T.)

**QUANTITY:** 40 300-cc. btls. at Middlebury, Goshen, and Montpelier, Ind.

**SHIPPED:** Prior to 6-12-62, and between 7-9-62 and 8-17-62, from Vineland, N.J., by Eastern Laboratories, Inc.

**LABEL IN PART:** (Btl.) "Eastrone A Solution of Diethylstilbestrol To be used in drinking water for chickens Each cc contains 50 mg. Diethylstilbestrol \* \* \* 300 cc. 1,000 doses \* \* \* Manufactured Only by Eastern Laboratories, Inc., \* \* \* Vineland, New Jersey. For Veterinary Use Only."

**ACCOMPANYING LABELING:** Leaflet entitled "Directions for Use . . . Eastrone."

**LIBELED:** 10-12-62, N. Dist. Ind.

**CHARGE:** 402(a)(2)(C)—when shipped, the article contained a food additive, namely, diethylstilbestrol, 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:** 1-8-63. Default—destruction.

## MISCELLANEOUS FOODS

**28799. Flour enrichment mix.** (F.D.C. No. 48061. S. No. 5-654 T.)

**QUANTITY:** 1 150-lb. drum and 2 200-lb. drums, at Baltimore, Md.

**SHIPPED:** 5-28-62, from Woodside, N.Y.

**RESULTS OF INVESTIGATION:** The article contained approximately 23 percent of the declared amount of vitamin D.

**LIBELED:** 8-22-62, Dist. Md.

**CHARGE:** 402(b)(1)—the valuable constituent, namely, vitamin D, had been in part omitted or abstracted from the article; and 403(a)—the label statement "Vitamin D 407,000 USP Units" was false and misleading.

**DISPOSITION:** 10-11-62. Default—destruction.

**28800. Spaghetti dinner and salad mix.** (F.D.C. No. 45880. S. Nos. 49-422/3 R, 49-930 R.)

**QUANTITY:** 236 cases, each containing 24 8-oz. pkgs. of spaghetti dinner, and 47 cases, each containing 24 pkgs. of salad mix, at Denver, Colo.

**SHIPPED:** Between 2-21-61 and 3-4-61, from Wichita, Kans., by American Beauty Macaroni Co.