

Vitamin Corporation from New York, N. Y.; and charging that it was misbranded. It was labeled in part: "6250 U. S. P. Units Vitamin A (from fish liver oils) 350 Int. Units Vitamin B₁ (Thiamin chloride) 300 U. S. P. Units Vitamin C (Ascorbic acid) 625 U. S. P. Units Vitamin D (Irradiated Ergosterol)."

The article was alleged to be misbranded in that statements in an accompanying circular entitled "What You should know about Vitamins," representing, suggesting, and creating in the mind of the reader the impression that health could be assured by its consumption; that the average individual requires vitamin supplements of the type that it supplied in order to obtain maximum health; that the average individual is likely to be suffering from lack of vitality, lack of energy, poor appetite, and impaired digestion because of inadequate vitamin intake from his food; that its consumption as directed, in the majority of cases, would prevent or correct the disease conditions resulting from inadequate vitamin intake; and that it contained all the vitamins essential in normal nutrition, were false and misleading since it would not fulfill the promises implied and it did not contain riboflavin or nicotinic acid, two vitamins essential in normal nutrition.

It also was alleged to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 691.

On March 26, 1942, the Hi-V Vitamin Corporation having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled. On the same date the product was relabeled by removal from the carton of the circular entitled "What You should know about Vitamins."

3645. Misbranding of Quaker Puffed Wheat Sparkies. U. S. v. 154 Cases of Quaker Puffed Wheat Sparkies. Default decree of condemnation. Product ordered delivered to a Federal institution. (F. D. C. No. 4966. Sample No. 47829-E.)

This product was falsely labeled regarding its vitamin content and its therapeutic qualities.

On June 23, 1941, the United States attorney for the Eastern District of Michigan filed a libel against 154 cases, each containing 24 4-ounce packages, of Quaker Puffed Wheat Sparkies at Detroit, Mich., alleging that the article had been shipped by the Quaker Oats Co. from Cedar Rapids, Iowa, on or about March 18, 1941; and charging that it was misbranded. It was labeled in part: (Box label) "The 'Vitamin Rain' Breakfast Food."

The article was alleged to be misbranded in that designs, devices, and statements in the labeling were false and misleading since they created the impression that it contained vitamins A, B₁, C, D, and G in consequential amounts, and that it would be effective in preventing colds and infections, in producing healthy nerves, normal growth, good teeth, strong bones, and other desirable attributes; whereas it contained no vitamins A or C and only inconsequential amounts of vitamins B₁ and G, and it would not be effective in preventing colds and infections, nor in producing healthy nerves, normal growth, good teeth, strong bones, and other desirable attributes.

It was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 580.

On December 3, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a nearby Federal institution.

3646. Misbranding of wheat germ. U. S. v. 9½ Cases of Golden Harvest Wheat Germ. Default decree of condemnation and destruction. (F. D. C. No. 7059. Sample No. 76377-E.)

The label of this product contained misleading claims, as explained hereinafter.

On or about March 23, 1942, the United States attorney for the Northern District of Iowa filed a libel against 9½ cases, each containing 12 8-ounce cans, of Golden Harvest Wheat Germ at Sioux City, Iowa, which had been consigned by the Wheat Products Co., alleging that the article had been shipped on or about February 23, 1942, from Omaha, Nebr.; and charging that it was misbranded.

The article was alleged to be misbranded in that the following statements appearing on the label, "One of Nature's richest sources of B-1, E and G the Vitamins necessary for normal Health and Growth. Vitamin B-1 promotes nervous stability—intestinal regularity—digestion and stimulates the appetite. Also vital to pregnant and nursing mothers. Vitamin E is thought to increase the mineral nutrition to the muscular and nervous tissues. Vitamin G is necessary to growth and development. It promotes * * * vitality. Vitamin