

5787. Misbranding of Thompson's Daily Vitamin and Mineral Ration. U. S. v. 8 Cartons of Thompson's Daily Vitamin and Mineral Ration. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9040. Sample No. 13242-F.)

This product was represented in its labeling as supplying $1\frac{1}{4}$ times the minimum adult daily requirements of vitamins A and D, the minimum adult daily requirement of vitamin C and riboflavin, and 3 times the minimum adult daily requirement of vitamin B₁. It was also represented as containing specified amounts of vitamin B₂, niacin amide, pantothenic acid, and biotin, as well as calcium, phosphorus, iodine, iron, and copper.

On December 24, 1942, the United States attorney for the Western District of Washington filed a libel against 8 cartons, each containing 100 boxes, of the above-named product at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about October 12, 15, and 20, 1942, from Los Angeles, Calif., by the William T. Thompson Co.; and charging that it was misbranded.

The article was alleged to be misbranded in that the following statements appearing on the display card accompanying the article, "Vitamins For Vitality Improve your health! . . . Take the drudgery out of work . . . Put more pep in your play . . . Reduce colds . . . Cut down fatigue . . . Improve appetite and digestion . . . Build nervous stability . . . Prevent impaired eyesight due to Vitamin deficiencies . . . Build up your blood count . . . Prevent dental cavities, bleeding gums, due to deficiencies of Vitamins D, C, and Calcium," were false and misleading since such statements represented and suggested that the article would be effective for the purposes and conditions stated and implied, whereas it would not be so effective.

The article was also alleged to be misbranded under the provisions of law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 997.

On January 14, 1943, the William T. Thompson Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

5788. Misbranding of Vita Malt. U. S. v. 51 Combination Packages of Vita Malt with Natura Calcium Compound. Default decree of condemnation and destruction. (F. D. C. No. 5226. Sample No. 60296-E.)

On July 30, 1941, the United States attorney for the Western District of Washington filed a libel against 51 combination packages of Vita Malt with Natura Calcium Compound, alleging shipment on or about May 23, 1941, from Los Angeles, Calif., to Olympia, Wash., by the Natura Remedy Co., Los Angeles, Calif. In each combination package was a bottle labeled in part: "Vita Malt Contains Vitamins," and a package labeled in part: "Natura Calcium Compound," together with a circular entitled, "Do you know that Vitamins Build Health," and a leaflet entitled, "Now You Can Reduce Safely."

Analysis of a sample of Vita Malt showed that it was essentially a malt extract, with small amounts of saponifiable oils, water, and sodium benzoate.

It was alleged to be misbranded in that the statements on the label which represented and suggested that it would be effective in reducing body weight were false and misleading since it was not effective for this purpose. It was alleged to be misbranded further in that the statements in the labeling which represented and suggested that it would be of value in the treatment of a variety of pathological conditions such as anemia, nervousness, glandular disturbances, lack of appetite, infections, sleeplessness, rheumatism, neuritis, and arthritis were false and misleading since it would be of no value in the treatment of such pathological conditions.

The Vita Malt and Natura Calcium Compound were also alleged to be misbranded as reported in drugs and devices notices of judgment, No. 945.

On December 1, 1941, the Natura Remedy Co. having intervened and petitioned for removal of the case, the court entered an order removing it to the Southern District of California. The Government thereupon filed a motion to remand the case to the Western District of Washington on the ground that the parties had stipulated for transfer to the Northern District of California, and that the Southern District of California had no jurisdiction. On March 24, 1942, the Government's motion to remand the case was denied by the court without opinion. On October 13, 1942, the petition of intervention and answer of the Natura Remedy Co. having been withdrawn, a default judgment of condemnation was entered and the product was ordered destroyed.