

suggested that the article was efficacious in the correction or prevention of lowered resistance, coughs, colds, retarded growth, loss of weight, eye diseases, intestinal disorders, nervousness, constipation, slow heart rate, loss of appetite, reduced well being, dental decay, poor tooth development, rickets, and soft bones, whereas the article was not so efficacious; and the said statements compared the vitamin content of the article with that of eggs, milk, and bananas, and, when read in connection with the statements in the labeling with respect to the loss of vitamins from ordinary foods in the usual manner of preparation, they represented and suggested that it is not practicable to obtain an adequate amount of vitamins through the consumption of ordinary food as usually prepared, whereas adequate amounts of vitamins can be obtained through the consumption of ordinary food as usually prepared; Section 403 (d), the carton and boxes containing the article were so filled as to be misleading since they contained fewer units than the size of the containers indicated were included therein; Section 403 (j), the article purported to be and was represented as a food for special dietary use by reason of its vitamin content, and its label failed to bear a statement of the proportion of the minimum daily requirement of riboflavin, vitamin G (B<sub>2</sub>), furnished by a specified quantity of the food when consumed as directed during a period of 1 day; and, Section 403 (f), the information concerning its vitamin, mineral, and other dietary properties, required under authority of Section 403 (j), was not prominently placed on the label with such conspicuousness (as compared with other statements on the label) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1080.

**DISPOSITION:** September 16, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**6595. Misbranding of Vitamato. U. S. v. 866 Cases of Vitamato. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11766. Sample No. 40978-F.)**

**LIBEL FILED:** On or about February 10, 1944, Northern District of Texas.

**ALLEGED SHIPMENT:** On or about August 11, 1943, by the Login Corporation, from San Francisco, Calif.

**PRODUCT:** 866 cases, each containing 48 12-ounce bottles, of Vitamato.

**VIOLATIONS CHARGED:** Misbranding, Section 403 (a), the vignette of a tomato, the name "Vitamato," and the statements, "A Delicious Refreshing Cocktail made from tomatoes \* \* \* Contains Vitamins A, B & C," which appeared on the labels of the article, were false and misleading since they represented and suggested that the article was a tomato juice cocktail, a product generally understood to be tomato juice with added spices, and that it contained nutritionally consequential amounts of vitamins A, B, and C in the amounts normally present in tomato juice or tomato juice cocktail, whereas the article was made from tomato paste, water, spices, and dextrose, and contained substantially smaller amounts of vitamins A, B, and C than are present in tomato juice or tomato juice cocktail, and insignificant amounts of vitamins B and C; and the statement on the label, "Enriched with Dextrose" was misleading since it suggested that the nutritional value of the article had been significantly improved by the addition of dextrose, whereas the nutritional value of the article had not been significantly improved by the addition of dextrose.

**DISPOSITION:** March 13, 1944. The Login Corporation, claimant, having admitted the facts in the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

**6596. Adulteration of vitamin capsules. U. S. v. 2 Cartons of Vitamin Capsules. Default decree of condemnation and destruction. (F. D. C. No. 12287. Sample No. 60061-F.)**

**LIBEL FILED:** May 1, 1944, Northern District of California.

**ALLEGED SHIPMENT:** On or about November 17, 1943, from Detroit, Mich.

**PRODUCT:** 2 cartons, each containing 30,000 vitamin capsules, at San Francisco, Calif.

The two cartons were damaged in transit and the contents was scattered on the car floor. The capsules were swept up and returned to the cartons.