

the article and the statement of the proportion of the minimum daily requirements of the vitamins present in the article were not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, or devices) and in such terms as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use; and, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its vitamin content, and its label failed to bear, as required by the regulations, a statement that the need for calcium pantothenate and pyridoxine in human nutrition has not been established.

DISPOSITION: February 25, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a government hospital.

6799. Misbranding of Vitapan Tablets. U. S. v. 1,000 Bottles of Vitapan Tablets. Default decree of condemnation and destruction. (F. D. C. No. 11616. Sample No. 58460-F.)

LIBEL FILED: January 11, 1944, District of Columbia.

ALLEGED SHIPMENT: On or about October 21, 1943, by the Purity Drug Co., Inc., from Passaic, N. J.

PRODUCT: 1,000 bottles, each containing 100 Vitapan Tablets, at Washington, D. C.

The article was represented on the label as containing, per tablet, 10 milligrams of calcium pantothenate and 333 U. S. P. units of vitamin B₁, in a base of brewers' yeast.

LABEL, IN PART: "Improved 'Vitapan' Calcium Pantothenate with Vitamin B₁."

VIOLATION CHARGED: Misbranding, Section 403 (a), the statements on the label which represented and suggested that the article was effective to prevent the graying of hair and to restore to gray hair its original color were false and misleading since it was not effective for such purposes.

DISPOSITION: February 9, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6800. Misbranding of Vigor-Ettes (whole wheat wafers). U. S. v. 102 Cases of Whole Wheat Wafers. Decree of condemnation. Product ordered released under bond. (F. D. C. No. 11759. Sample No. 51850-F.)

LIBEL FILED: February 10, 1944, District of New Hampshire.

ALLEGED SHIPMENT: On or about October 11, 1943, by the Aperion Products Co., from Boston, Mass.

PRODUCT: 102 cases, each containing 2 dozen 12-ounce cartons, of whole wheat wafers at Manchester, N. H.

LABEL, IN PART: "Vigor-Ettes."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), because of false and misleading statements on the label, which represented and suggested that the article was of special nutritional significance by reason of the presence of sodium, magnesium, manganese, sulfur, chlorine, silica (Si₂O₂), and potassium; that it was non-fattening; that use of the article would provide vim and vigor; and that there is a generally recognized quantity of sodium, magnesium, sulfur, manganese, and chlorine needed daily in order to maintain normal nutrition; Section 403 (j), the article was represented as a food for special dietary uses by man by reason of its vitamin A, B, C, D, and E content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of vitamins A, B, C, and D, and the quantity of vitamin E, supplied by a specified quantity of the article when consumed during a period of 1 day; and it failed to bear a statement that the need in human nutrition for vitamin E has not been established.

DISPOSITION: April 5, 1944. The Aperion Products Co., claimant, having admitted the allegations of 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 an employee designated by the Federal Security Administrator.