

8081. Adulteration of green color. U. S. v. 27 Packages of Green Color. Default decree of condemnation and destruction. (F. D. C. No. 14131. Sample No. 79100-F.)

LIBEL FILED: October 26, 1944, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about June 1, 1944, by the Premier Color Works, New York, N. Y.

PRODUCT: 27 1-pound packages of green color at Detroit, Mich. The article was represented by the shipper (seller) to the consignee as food coloring, and therefore was offered for sale as a food ingredient and was being used in foods.

LABEL, IN PART: "Green Color DS—Oil Soluble For Technical Use * * * A Harmless Color."

VIOLATION CHARGED: Adulteration, Section 402 (c), the product contained a coal-tar color that had not been listed for use in foods in accordance with regulations, and was other than one from a batch that had been certified.

DISPOSITION: March 12, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8082. Adulteration of saccharic acid. U. S. v. 226 Cases of Saccharic Acid. Default decree of condemnation and destruction. (F. D. C. No. 13706. Sample No. 31080-F.)

LIBEL FILED: September 29, 1944, Western District of Washington.

ALLEGED SHIPMENT: February 18 and 20, 1943, by the Bocker Chemical Co., from Morganville, N. J.

PRODUCT: 226 cases, each containing 4 1-gallon jugs, of saccharic acid at Seattle, Wash. The product was shipped in barrels and was repacked by the consignee.

VIOLATION CHARGED: Adulteration, Section 402 (a) (1), the product contained added poisonous or deleterious substances, hydrocyanic acid and oxalic acid, which may have rendered it injurious to health.

DISPOSITION: May 31, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8083. Adulteration of salt rising yeast. U. S. v. 5 Bags of Salt Rising Yeast. Default decree of condemnation and destruction. (F. D. C. No. 13933. Sample No. 89835-F.)

LIBEL FILED: October 11, 1944, Western District of Tennessee.

ALLEGED SHIPMENT: On or about August 21, 1944, by H. A. Kohman, from Pittsburgh, Pa.

PRODUCT: 5 bags, each containing 25 pounds, of salt rising yeast at Memphis, Tenn.

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of weevils and larvae.

DISPOSITION: February 5 and 6, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

VITAMIN PREPARATIONS AND FOODS FOR SPECIAL DIETARY USES

8084. Adulteration of Bragg Mira-Cal Tablets, and misbranding and alleged adulteration of Royce's Vitamin A and D Tablets. U. S. v. William Theodore Thompson (Wm. T. Thompson Co.). Plea of not guilty. Tried to the court. Verdict of not guilty on one count, guilty on the remaining two counts. Fine, \$500. (F. D. C. No. 11427. Sample Nos. 757-F, 39338-F.)

INFORMATION FILED: July 27, 1944, Southern District of California, against William Theodore Thompson, trading as the Wm. T. Thompson Co., Los Angeles, Calif.; charging the defendant with giving false guaranties. The guaranties were given by the defendant to the Royce Pharmacal Co., Los Angeles, Calif., and the Live Foods Products Co., Burbank, Calif., on or about August 14, 1941, and March 3, 1943, and they provided that all foods furnished by the defendant to the latter firms, then or thereafter, would be neither adulterated nor misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act. On or about December 30, 1942, the defendant sold and delivered to the Royce Pharmacal Co. a quantity of Royce's Vitamin A and D tablets which were misbranded and allegedly adulterated, and between the approximate dates of April 12 and May 4, 1943, sold and delivered to the Live Food Products Co., a

quantity of Bragg Mira-Cal Tablets that were adulterated. The Bragg Mira-Cal Tablets were shipped from Burbank, Calif., to Chicago, Ill., between the approximate dates of May 5 and 13, 1943, and the Royce's Vitamin A and D Tablets were shipped from Los Angeles, Calif., to Phoenix, Ariz., on or about January 18, 1943, by the firms holding the guaranties.

VIOLATIONS CHARGED: Bragg Mira-Cal Tablets, adulteration, Section 402 (b) (1), valuable constituents, tricalcium phosphate and irradiated ergosterol, had been in part omitted from the article since each wafer was represented in the guaranty as containing 10 grains of tricalcium phosphate and 293.333 International Units of irradiated ergosterol, whereas each wafer contained not more than 8.5 grains of tricalcium phosphate and not more than 133.33 International Units of irradiated ergosterol.

Royce's Vitamin A and D Tablets, adulteration, Section 402 (b) (1), valuable constituents, vitamins A and D, had been in part omitted from the article, since each tablet was represented to contain 5,000 U. S. P. units of vitamin A and 500 U. S. P. units of vitamin D, whereas each tablet contained not more than 2,500 U. S. P. units of vitamin A and not more than 250 U. S. P. units of vitamin D. Misbranding, Section 403 (a), the statements on the bottle label, "Each Tablet Contains: Vitamin A 5000 U. S. P. Units; Vitamin D 500 U. S. P. Units," were false and misleading; and, Section 403 (j), the article purported to be and was represented as a food for special dietary use by man by reason of its vitamin properties, and its label did not bear, as required by the regulations, a statement of the proportion of the minimum daily requirement for vitamins A and D which would be supplied by the article when consumed in a specified quantity during a period of 1 day.

DISPOSITION: November 9, 1944. The defendant having entered a plea of not guilty, and the case having come on for trial before the court without a jury, the court found the defendant not guilty on the count charging adulteration of Royce's Vitamin A and D Tablets and guilty on the two counts charging misbranding of the Royce's Vitamin A and D tablets and adulteration of the Bragg Mira-Cal Tablets. On the same date the court imposed a fine of \$250 on each of the latter two counts, a total fine of \$500.

8085. Adulteration and misbranding of Beir-Nes Tablets. U. S. v. Percival W. Beirnes (Beir-Nes Laboratories). Plea of nolo contendere. Fine of \$500 on count 1, sentence suspended on count 2, and defendant placed on probation for 2 years. (F. D. C. No. 14303. Sample No. 54121-F.)

INFORMATION FILED: March 26, 1945, Southern District of California, against Percival W. Beirnes, trading as the Beir-Nes Laboratories, Los Angeles, Calif.

ALLEGED SHIPMENT: On or about February 11, 1944, from the State of California into the State of Arizona.

LABEL, IN PART: "Beir-Nes No. 57-VA Biologically Standardized Each Tablet Contains Vegetable Salts with Vitamin A added Vitamin A Fish Liver Oils 5000 I. U. Black Radish Pie Plant Beet Leaves Okra Spinach Asparagus Dandelion."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent of the product, vitamin A, had been in part omitted or abstracted from it since it was represented on its label as containing in each tablet 5,000 International Units of vitamin A, whereas the product contained not more than 2,660 International Units of vitamin A per tablet.

Misbranding, Section 403 (a), the label statement, "Vitamin A 5000 I. U.," was false and misleading; and, Section 403 (j), the article purported to be and was represented for special dietary use by man by reason of its vitamin property in respect of vitamin A, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirement for vitamin A which would be supplied by the product when consumed in a specified quantity during the period of 1 day.

DISPOSITION: May 21, 1945. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$500 on count 1. Sentence was suspended on count 2 for 2 years, and the defendant was placed on probation for a like period.

8086. Adulteration and misbranding of Pyridamide Tablets and Thiamin Chloride Solution. U. S. v. William S. McClymonds (Western Research Laboratories). Plea of nolo contendere. Fine, \$50. (F. D. C. No. 14231. Sample Nos. 30184-F, 36553-F, 68901-F.)

INFORMATION FILED: January 22, 1945, District of Colorado, against William S. McClymonds, trading as the Western Research Laboratories, Denver, Colo.