

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.