

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), valuable constituents, vitamin B₁ and niacin, had been in part omitted or abstracted from the product. Misbranding, Section 403 (a), the statements on the labels of the bulk containers, "Three spheroids contain: * * * Vitamin B₁ (Thiamin Chloride USP) 333 USP units . . . 1 mg * * * Niacin, USP . . . 20 mg * * * Three spheroids a day * * * will supply the following percentages of the daily minimum adult requirement of * * * B₁, 100%," were false and misleading as applied to the article, which contained less than the declared amounts of vitamin B₁ and niacin, and which did not supply, in 3 spheroids, 100 percent of the daily minimum adult requirement of vitamin B₁.

DISPOSITION: May 17, 1945. The Celtonsa Medicine Co., Cincinnati, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for re-labeling under the supervision of the Food and Drug Administration.

8498. Adulteration and misbranding of Vitees. U. S. v. 69 Cartons of Vitees. Default decree of condemnation and destruction. (F. D. C. No. 15279. Sample No. 11318-H.)

LIBEL FILED: February 15, 1945, District of Massachusetts.

ALLEGED SHIPMENT: On or about January 26, 1945, by the Vitagram Co., from New York, N. Y.

PRODUCT: 69 cartons, each containing 24 8-tablet boxes, of Vitees at Cambridge, Mass.

Analysis showed that the article was 50 percent deficient in vitamin A.

LABEL, IN PART: "Vitees Chocolate Flavored The Vitamin Candy * * * Each 5¢ Package of Vitees Contains Vitamins A . . . 400 U. S. P. Units B-1 . . . 75 U. S. P. Units C . . . 20 U. S. P. Units D . . . 800 U. S. P. Units E . . . Added G (B₂) Riboflavin 50 Gammas Plus . . . Calcium."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), a valuable constituent, vitamin A, had been in whole or in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label representation that each 5-cent package of the article contained 400 U. S. P. units of vitamin A was false, since each package contained less than 400 U. S. P. units of vitamin A.

Further misbranding, Section 403 (a), the following statements in the labeling created the false and misleading impression that the article would supply significant amounts of all the vitamins needed in human nutrition, whereas it would supply but inconsequential amounts of vitamins A, C, and riboflavin, three of the vitamins essential to man: (Retail package and display carton) "Vitees * * * The Vitamin Candy * * * For Vibrant Vitality (Full O'Vitamins) * * * Get . . . a 'Candy-Kick' out of vitamins Get . . . Your Vitamin-Value out of Candy * * * Vitamin-Enriched"; (display carton only) "Eat Vitees Vitamin Candy."

Further misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its vitamin A, B₁, C, D, E, riboflavin, and calcium content, and its label failed to bear, as required by the regulations, (1) a statement of the proportion of the minimum daily requirements of vitamins A, B₁, C, D, riboflavin, and calcium, and the amount of vitamin E, furnished by a specified quantity of the product when consumed during a period of 1 day, and (2) the statement that the need for vitamin E in human nutrition has not been established.

DISPOSITION: April 2, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

8499. Misbranding of American Calcium Pantothenate Tablets. U. S. v. 39½ Dozen Bottles of Calcium Pantothenate Tablets and 100 Booklets. Default decree of condemnation and destruction. (F. D. C. No. 14637. Sample No. 85907-F.)

LIBEL FILED: December 12, 1944, District of Colorado.

ALLEGED SHIPMENT: On or about September 6, 1944, by the American Beauty Products Co., from Chicago, Ill.

PRODUCT: 39½ dozen bottles, each containing 30 calcium pantothenate tablets, and 100 copies of an accompanying booklet entitled "City Catalog No. 80," at Denver, Colo.

LABEL, IN PART: "American Calcium Pantothenate Dextrotory Each tablet contains not less than 10 milligrams Calcium Pantothenate."

VIOLATION CHARGED: Misbranding, Section 403 (a), the following statements in the booklets were false and misleading, since the article was not of value in the conditions suggested or implied by the statements: "Anti-Gray Hair and Nail Vitamins (Calcium-Pantothenate-Dextrotrotatory) Now you can sell Calcium Pantothenate Vitamins to your patrons. Good Housekeeping Bureau experiments of 16 months showed that 88 percent of men and women subjected to the tests showed positive evidence of a return of natural hair color. It revealed also definite improvement in the texture of the skin and the elasticity of the finger nails. * * * For Gray Hair * * * Newest Vitamin Discovery. Good Housekeeping tests showed 88% return of hair color."

DISPOSITION: February 21, 1945. No claimant having appeared, judgment of condemnation was entered and the product and booklets were ordered destroyed.

8500. Misbranding of Delicia Vitamalt Bar. U. S. v. 81 Boxes of Delicia Vitamalt Bar. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 14652. Sample No. 83048-F.)

LIBEL FILED: On or about December 18, 1944, District of Connecticut.

ALLEGED SHIPMENT: On or about November 17, 1944, by the Delicia Chocolate and Candy Manufacturing Co., Inc., from Bronx, N. Y.

PRODUCT: 81 boxes, each containing 24 1-ounce Delicia Vitamalt Bars, at Waterbury, Conn.

VIOLATION CHARGED: Misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of the label representation, "Enriched with irradiated yeast containing vitamins D and B₁," and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of vitamins D and B₁ furnished by a specified quantity of the product when consumed during a period of 1 day.

DISPOSITION: February 16, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered, after removal of the labels, to charitable institutions.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 8301 TO 8500

PRODUCTS

	N. J. No.		N. J. No.
Alimentary pastes.....	8306, 8307, 8318	Cheese, Bondost or Kronost.....	8370
American Calcium Pantothenate		Cheddar.....	8368
Tablets.....	8499	Italian type.....	8371
Apple(s).....	8418-8420	grated.....	8372, 8373
pomace.....	8429	spread.....	8369
Apricots, canned.....	8403-8406	Chicken fat, raw.....	8464
dried.....	8409, 8410	<i>See also Poultry.</i>	
Asparagus cuts, canned, and as-		Chocolate-flavored sirup.....	8350
paragus spears, canned.....	8430	malted.....	8351
Bakery products.....	¹ 8308-8311,	Color for food uses.....	8305
	8338, 8490, 8491	Cookies. <i>See Cakes and cookies.</i>	
Beans, cranberry.....	8431	Corn, flakes.....	8319, 8330
green, canned.....	8432-8433	grits.....	8331
navy.....	8434	meal.....	8332
pinto.....	8435	Cracker flour.....	8317
red, canned.....	8436	meal.....	8333
Beef, boneless, frozen.....	8466-8468	Dairy products.....	³ 8359-8376
Beverages and beverage mate-		Delicia Vitamalt Bar.....	8500
rials.....	² 8301-8305, 8457	Delson Brand Yucca Cactus.....	8489
Bread.....	8309, 8311	Derbetain No. 3 Tablets.....	8494
Butter.....	8359-8367	Durum flour.....	8321
Cakes and cookies.....	8309, 8310, 8338	Eggs, dried.....	8377-8379
Candy.....	8338-8349, 8490, 8491, 8498, 8500	frozen.....	8380-8386
Cereals and cereal products.....	¹ 8306-8338	Emulsol Stabilizer No. 5.....	8487

¹ (8308) Permanent injunction issued. Contains opinion of the court.

² (8301, 8425) Permanent injunction issued.

³ (8368, 8391, 8478) Prosecution contested.