

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, vitamin C, had been in whole or in part omitted from the article.

Misbranding, Section 403 (a), the label statements, "Vitamin C (Ascorbic Acid) 40 Mgms, Percentage of daily Requirements 133% \* \* \* Two heaping tablespoonsful will provide \* \* \* 1½ times (the minimum daily requirements of) Vitamin C," were false and misleading since the article contained less than the stated amount of vitamin C, and it would provide less than the stated proportion of the minimum daily requirements for vitamin C.

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

**9398. Adulteration and misbranding of Super Multi-Caps (vitamin tablets). U. S. v. 3,453 Bottles of Super Multi-Caps. Consent decree of condemnation. Product ordered released under bond.** (F. D. C. No. 17075. Sample Nos. 14803-H, 16557-H to 16559-H, incl.)

**LIBEL FILED:** August 24, 1945, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about August 10, 1945, by the Eljay Corporation, from Chicago, Ill.

**PRODUCT:** 1,202 100-tabsule bottles, 331 250-tabsule bottles, 1,037 50-tabsule bottles, and 883 25-tabsule bottles of Super Multi-Caps at Cleveland, Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), the following valuable constituents had been in whole or in part omitted from the article: Vitamins A and D from the 100-tabsule size; vitamin A from the 250-tabsule and 50-tabsule sizes; and vitamin D from the 25-tabsule size.

Misbranding, Section 403 (a), the following label statements were false and misleading: "Each Tabsule Contains Vitamin A 5000 U. S. P. Units, Vitamin D 800 U. S. P. Units \* \* \* Minimum Daily Requirements as provided in each Super Multi-Caps Tabsule Vitamin A 1½ Times, Vitamin D 2 Times." The article did not contain the stated amounts of vitamins, and it did not provide, in the 100-tabsule size, the stated proportion of the minimum daily requirements for vitamins A and D and, in the 250-tabsule and 50-tabsule sizes, the stated proportion of the minimum daily requirements for vitamin A.

Further misbranding, Section 403 (j), the article in the 25-tabsule size purported to be and was represented as a food for special dietary uses by reason of its vitamin A, B<sub>1</sub>, C, D, B<sub>2</sub>, B<sub>6</sub>, E, calcium pantothenate, and niacinamide content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements for vitamins A, B<sub>1</sub>, C, D, and B<sub>2</sub>, and the amounts of vitamins B<sub>6</sub>, E, calcium pantothenate, and niacinamide furnished by a specified quantity of the product when consumed during a period of 1 day; and the label also failed to bear the required statement that the need for vitamins B<sub>6</sub>, E, and calcium pantothenate in human nutrition has not been established.

**DISPOSITION:** March 12, 1946. The Oxford Products, Inc., Cleveland, Ohio, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling, or disposal in bulk, under the supervision of the Food and Drug Administration.

**9399. Adulteration and misbranding of vitamin tablets. U. S. v. 237 Bottles of Vitamin Tablets. Default decree of condemnation. Product ordered delivered to a charitable institution.** (F. D. C. No. 18426. Sample No. 7343-H.)

**LIBEL FILED:** November 23, 1945, District of New Jersey.

**ALLEGED SHIPMENT:** On or about July 31, 1945, by Vitamins for Industry, from Los Angeles, Calif.

**PRODUCT:** 237 bottles of vitamin tablets at Perth Amboy, N. J. Examination showed that the product was 20 percent deficient in vitamin B<sub>1</sub>.

**LABEL, IN PART:** "Aircraft Brand High Potency Diet-Enricher Vitamins."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B<sub>1</sub>, had been in part omitted. Misbranding, Section 403 (a), the label statements, "Each Tablet Contains \* \* \* Vitamin B<sub>1</sub> Thiamin Hydrochloride 3 Mg. 1000 U. S. P. % Min. Adult Daily Need 300%," were false and misleading since the product contained less than the stated amount of vitamin B<sub>1</sub>, and it did not provide the stated proportion of the minimum daily requirement for such vitamin.

**DISPOSITION:** March 11, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution after the destruction of the labels, under the supervision of the Food and Drug Administration.

**9400. Misbranding of Kaldak. U. S. v. 19 Cans and 22 Cans of Kaldak. Default decree of condemnation and destruction.** (F. D. C. No. 18707. Sample No. 29580-H.)

**LIBEL FILED:** January 4, 1946, Northern District of California.

**ALLEGED SHIPMENT:** On or about October 12, 1945, by the Kaldak Co., from Lansing, Mich.

**PRODUCT:** 19 12-ounce cans and 22 5-ounce cans of Kaldak at San Francisco, Calif.

**LABEL, IN PART:** "Kaldak A Dietary Food Supplement Providing Natural Vitamin B Complex, Vitamin D, Iron, Calcium and Phosphorus."

**NATURE OF CHARGE:** Misbranding, Section 403 (a). Misbranding of the product was also charged under the provisions of the law applicable to drugs. See drugs and devices notice of judgment No. 1725 for the nature of the false and misleading claims in the labeling.

**DISPOSITION:** March 19, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

## INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 9201 TO 9400

### PRODUCTS

	N. J. No.		N. J. No.
Aircraft Brand Vitamins	9399	Cocoa beans	9283
Almonds	<sup>1</sup> 9372-9374	Coffee sweepings	9201
Apples, frozen	9328	Corn, canned	9344
slices	9329	flour, self-rising	9236
Apricots, canned	9313, 9314	meal	9222-9224, 9231
glace	9333	Crackers, graham	9209
Arvinin Formula	9397	soda	9220
Bakery products	9204-9221	Cream	9294
Barley	9231	meal. <i>See</i> Corn meal.	
Beans, green, frozen	9338	Dairy products	<sup>3</sup> 9284-9295
lima, frozen	9339	Dates, dried	9319, 9320
pinto, canned	9340	fresh	9326
red, honey-flavored, canned	9341	Durum flour	9237
soy, in bags	9342	Eggs, frozen	9296-9300
with tomato sauce, canned	9337	Fish and shellfish	9301-9312
Beverages and beverage materials		Flavors. <i>See</i> Spices, flavors, and seasoning materials.	
9201-9203, 9367, 9368		Flour	9225-9245
Bread	9204-9208	enriched	9244, 9245
Brewer's grits	9250	Fruits and vegetables	9202, 9203, 9248, 9290, 9313-9371
Buckwheat flour, self-rising	9236	fruit(s), candied	9333-9335
Butter	9284-9287	canned	9313-9316
Cakes and cookies	9209-9219	cocktail	9316
Candy	9251, 9260-9274, 9375, 9380, 9381	dried	9317-9325
Caraway seed	9388	and peels, diced	9317
Carrots, diced, canned	9343	fresh and frozen	9326-9329
Cereals and cereal products	9204-9259	jelly and preserves	9330-9332
Cheese	9248, <sup>2</sup> 9288-9292	miscellaneous fruit products	9333-9336
cottage	9294	sirups	9202, 9203
grated	9290	stuffed	9325
Cherries, canned	9315	tomatoes and tomato products	9337, 9367-9371, 9392
dried	9318	vegetables	9248, 9290, 9337-9366
frozen	9327	Gelatin dessert	9394
Chocolate	9275-9278	Graham crackers	9209
coating	9279-9281		
-covered peanuts	9381		
-flavored sirup	9282		

<sup>1</sup> (9372) Seizure contested.

<sup>2</sup> (9288) Injunction issued.

<sup>3</sup> (9293) Prosecution contested.