

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, rodent hairs, mites, a beetle head, sand, and nondescript vegetable matter; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 2, 1947. A plea of guilty having been entered, the court imposed a fine of \$100 against the defendant.

11297. Adulteration of mincemeat. U. S. v. 161 Pails * * *. (F. D. C. No. 20049. Sample No. 25180-H.)

LIBEL FILED: May 29, 1946, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about November 16, 1945, by the Brown Packing Co., from Philadelphia, Pa.

PRODUCT: 161 30-pound pails of mincemeat at New Orleans, La. Examination showed that the article contained maggots, fly eggs, and cast skins.

LABEL, IN PART: "Brown's Pure Mince Meat."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance.

DISPOSITION: July 22, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

VITAMIN PREPARATIONS AND FOODS FOR SPECIAL DIETARY USES

11298. Alleged adulteration and misbranding of Nova-Tron capsules, Mina-Vita tablets, and Vita-Health tablets. U. S. v. Harlow B. Boyle and Charles E. Boyle (Boyle & Co.). Pleas of not guilty. Tried to the court. Verdict of not guilty. (F. D. C. No. 20190. Sample Nos. 30656-H, 30667-H, 31389-H.)

INFORMATION FILED: October 15, 1946, Southern District of California, against Harlow B. Boyle and Charles E. Boyle, partners, trading as Boyle & Co., Los Angeles, Calif.

ALLEGED SHIPMENT: On or about December 14, 1945, and January 15 and 23, 1946, from the State of California into the State of Arizona.

LABEL, IN PART: "Nova-Tron Boyle 'Pan-Vitamic' Formula," "Mina-Vita Vitamins and Minerals," or "Vita-Health Vitamins and Minerals."

NATURE OF CHARGE: Nova-Tron capsules, adulteration, Section 402 (b) (1), a valuable constituent of the article, vitamin D, had been in part omitted and abstracted from it since the article purported and was represented to contain in each capsule 1,000 U. S. P. units of vitamin D, whereas the article contained less than that amount. Misbranding, Section 403 (a), the label statements "Each Capsule Contains * * * Vitamin D 1,000 U. S. P. Units * * * Each capsule supplies the following equivalent of minimum adult daily requirements * * * Vitamin D 2½ Times" were false and misleading. The article did not contain in each capsule 1,000 U. S. P. units of vitamin D, and each capsule of the article would not supply 2½ times the daily minimum requirement of vitamin D for adults.

Mina-Vita tablets, adulteration, Section 402 (b) (1), a valuable constituent of the article, vitamin D, had been in part omitted and abstracted from it since two tablets of the article purported and were represented to contain 1,000 U. S. P. units of vitamin D, whereas the article contained less than that amount. Misbranding, Section 403 (a), the label statements "Two Tablets Contain * * * Vitamin D (Irradiated Yeast)—1000 U. S. P. Units 2½ times minimum daily adult need" were false and misleading.

Vita-Health tablets, adulteration, Section 402 (b) (1), a valuable constituent of the article, vitamin A, had been in part omitted and abstracted from it since one light tablet and one dark tablet of the article purported and were represented to contain 5,000 U. S. P. units of vitamin A, whereas one light tablet and one dark tablet of the article contained less than that amount. Misbranding, Section 403 (a), the label statements "One Light Tablet And Dark Tablet Contain: Vitamin A (From Fish Liver Oil)—5000 U. S. P. Units (1¼ times minimum daily requirement)" were false and misleading.

The information contained also charges of adulteration and misbranding of Hormo-Fen Capsules and misbranding of Hormo-Gen Capsules under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2105.

DISPOSITION: February 18, 1947. The defendants having entered pleas of not guilty, the case came on for trial before the court. After consideration of the evidence and arguments of counsel, the court returned a verdict of not guilty and the information was ordered dismissed.

11299. Adulteration and misbranding of Sol-A-Min. U. S. v. Albert Hassman. Motion to dismiss indictment denied. Plea of guilty. Fine, \$1,000 and costs. (F. D. C. No. 14285. Sample No. 49067-F.)

INFORMATION FILED: Indictment returned February 13, 1945, Northern District of Ohio, against Albert Hassman, president of Universal Products, Inc., Cleveland, Ohio.

ALLEGED SHIPMENT: On or about February 8, 1944, from the State of Ohio into the State of Indiana.

PRODUCT: Analysis disclosed that the product consisted of organic material and small amounts of compounds containing calcium, phosphorus, iron, and iodine.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, vitamin B and iron, had been in part omitted and abstracted from the article.

Misbranding, Section 403 (a), certain statements on the label of the article and in accompanying leaflets entitled "Every Person Should Know About Sol-A-Min" were false and misleading in that they represented and suggested that one heaping teaspoonful (approximately one-half ounce) would supply one-fourth of the minimum daily adult requirement of vitamin C and three-eighths of the minimum daily adult requirement of iron; that the article would be of value as a source of the nutritional elements present in soya beans, vitamin B₆, and calcium pantothenate; that it would be efficacious to insure good health and normal functioning of the various organs of the body; that it would be efficacious in preventing and correcting night blindness, "xerophthalmia" (disease of the eye), muscular weakness, inflammation of the nerves, paralysis, fatal effusion, skin conditions, indigestion, disturbances of the nervous system, and nutritional anemia; and that it is not feasible to obtain the vitamins and minerals needed in normal nutrition from ordinary foods. The article would be of no consequential value as a source of the nutritional elements present in the stated ingredients, and it would not be efficacious for the purposes represented. Furthermore, it is feasible to obtain the vitamins and minerals needed in normal nutrition from ordinary foods; and 1 heaping teaspoonful of the article (approximately one-half ounce) would not supply one-fourth of the minimum daily adult requirement of vitamin C and three-eighths of the minimum daily adult requirement of iron.

The indictment alleged also that another product, Yuk-Air Compound, was misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2151.

DISPOSITION: March 31, 1947. The defendant's motion to dismiss the indictment having been denied, a plea of guilty was entered and the court imposed a fine of \$1,000 and costs.

11300. Misbranding of Pavo Food, Natural B Complex Tablets, Nurex Tablets, Vitamin Minerals Tablets, and Raygo Tablets. U. S. v. 7 Jars, etc. (F. D. C. No. 14661. Sample Nos. 81581-F, 81583-F to 81586-F, incl.)

LABEL FILED: On or about December 26, 1944, Western District of Missouri.

ALLEGED SHIPMENT: On or about October 23 and 25, 1944, by the Pavo Co., from Minneapolis, Minn.

PRODUCT: 15 jars of Pavo Food, 9 bottles of Natural B Complex Tablets, 21 bottles of Nurex Tablets, 21 bottles of Vitamin Minerals Tablets, and 65 bottles of Raygo Tablets at Kansas City, Mo., together with a number of circulars entitled "So It's You Again, Is It? A Gray Hair!" and "Are You Below Par?" and a booklet entitled "Pavo Food Special Dietary Basic Food." The Pavo Food was in 16- and 32-ounce jars, and the other products were in 80-, 85-, 185-, 250-, 270-, and 285-tablet-size bottles.

Examination disclosed that the Pavo Food consisted of a powdered mixture of soybean flour, oils, and sugar, calcium, phosphorus, and iron compounds, and traces of magnesium, copper, zinc, and cobalt; that the Natural B Complex Tablets contained vitamin B₁, riboflavin, and niacin; that the Nurex Tablets contained vitamin B₁, calcium, magnesium, iron, sodium, and potassium; that the Vitamin Minerals Tablets contained calcium, phosphorus, and