

**VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY
SIGNIFICANCE**

13695. Adulteration and misbranding of Arvimin Formula and Kraft Formula.
U. S. v. Argyle Laboratories, Henry F. MacDowell, and Eugene Munk.
Pleas of guilty. Fine of \$2,000 against defendants jointly and severally.
(F. D. C. No. 20213. Sample Nos. 4615-H, 10635-H, 10638-H.)

INFORMATION FILED: March 11, 1947, Southern District of New York, against Argyle Laboratories, a partnership, New York, N. Y., and Henry F. MacDowell and Eugene Munk, partners in the partnership.

ALLEGED SHIPMENT: On or about May 12 and 22, 1945, from the State of New York into the States of New Jersey and Ohio.

LABEL, IN PART: "Arvimin Formula 9 Vitamins 12 Minerals Argyle Laboratories" and "Kraft Formula 9 Vitamins 12 Minerals Kraft Products * * * East St. Louis, Ill."

NATURE OF CHARGE: Arvimin Formula. Adulteration, Section 402 (b) (1), valuable constituents, vitamin D, vitamin C, vitamin B₂, niacin, calcium, phosphorus, and iron had been in part omitted and abstracted from the article. Misbranding, Section 403 (a), certain statements on the label of the article were false and misleading since they represented and suggested that one ounce of the article would provide 1,000 U. S. P. units of vitamin D, equivalent to 250 percent of the daily minimum adult requirement for vitamin D; 40 milligrams of vitamin C, equivalent to 133 percent of the daily minimum adult requirement for vitamin C; 2 milligrams of vitamin B₂, equivalent to 100 percent of the daily minimum adult requirement for Vitamin B₂; 20 milligrams of niacin; and 750 milligrams of calcium, 750 milligrams of phosphorus, and 10 milligrams of iron, equivalent to 100 percent of the daily minimum adult requirements for each of these minerals; and that 2 heaping tablespoonsful of the article would provide the daily minimum adult requirement for vitamin B₂, phosphorus, calcium, and iron, 1½ times the daily minimum adult requirement for vitamin C, and 2½ times the daily minimum adult requirement for vitamin D. One ounce of the article and 2 heaping tablespoonsful of the article would provide less than the above-mentioned quantities of vitamin D, vitamin C, vitamin B₂, niacin, calcium, phosphorus, and iron, and less than the stated proportions of the daily minimum adult requirements for vitamin D, vitamin C, vitamin B₂, calcium, phosphorus, and iron.

Kraft Formula. Adulteration, Section 402 (b) (1), valuable constituents, vitamin A, vitamin B₁, vitamin C, vitamin D, riboflavin, niacin, calcium, iron, and phosphorus had been in part omitted and abstracted from the article. Misbranding, Section 403 (a), certain statements on the label of the article were false and misleading since they represented and suggested that one ounce of the article would provide 4,000 U. S. P. units of vitamin A, equivalent to 100 percent of the daily minimum adult requirement for vitamin A; 495 U. S. P. units of vitamin B₁, equivalent to 150 percent of the daily minimum adult requirement for vitamin B₁; 1,000 U. S. P. units of vitamin D, equivalent to 250 percent of the daily minimum adult requirement for vitamin D; 40 milligrams of vitamin C, equivalent to 133 percent of the daily minimum adult requirement for vitamin C; 2 milligrams of vitamin B₂, equivalent to 100 percent of the daily minimum adult requirement for vitamin B₂; 20 milligrams of niacin; and 750 milligrams of calcium, 750 milligrams of phosphorus, and 10 milligrams of iron, equivalent to 100 percent of the daily minimum adult requirements for each of these minerals; and that 2 heaping tablespoonsful of the article would provide the daily minimum adult requirement for vitamin A, vitamin B₂, phosphorus, calcium, and iron, 1½ times the daily minimum adult requirement for vitamin B₁, 1½ times the daily minimum adult requirement for vitamin C, and 2½ times the daily minimum adult requirement for vitamin D. One ounce of the article and 2 heaping tablespoonsful of the article would provide less than the above-mentioned quantities of vitamins and minerals and less than the stated proportions of the daily minimum adult requirements for vitamin A, vitamin B₁, vitamin D, vitamin C, vitamin B₂, calcium, phosphorus, and iron. Further misbranding, Section 403 (a), certain statements in circulars entitled "What Are Vitamins," which were shipped with the article, were false and misleading. The statements represented and suggested that the article would be efficacious in building and maintaining tendons, counteracting acids, and healing wounds; that it would be efficacious as an aid to vitality and en-

durance; that it would be efficacious in the treatment of tuberculosis, rheumatism, arthritis, neuritis, pyorrhea, asthma, heart disease, nervousness, painful menstruation, excessive bleeding, and hemorrhages; that it would be efficacious in building and nourishing the brain, nerves, and bones, and in strengthening the mental power; that it would be efficacious as a neutralizer of body waste and in maintaining youth, keeping the tissues soft and elastic, dissolving and eliminating impurities from the blood, preventing congestion by promoting circulation, counteracting acidosis, aiding digestion, purifying the blood, dissolving hard deposits in the joints; that it would be efficacious in the treatment of rheumatism, gall bladder disorders, constipation, and halitosis; that it would be efficacious in regulating the nutritive processes, expelling waste, purifying the system, reducing body fat, keeping the hair, skin, and sex organs in healthy condition, and intensifying the emotions; that it would be efficacious as a nerve sedative; that it would be efficacious in keeping the body flexible, preventing bones, teeth, and nails from becoming brittle, vitalizing the lungs, and neutralizing acid waste materials, building tissues, promoting strength and endurance, supplying heat and energy, and as an aid in gaining weight; that it would be efficacious in the treatment of anemia, heart and circulatory diseases, female disorders, and nerve exhaustion; that it would be efficacious in supplying energy and vitality and regenerating the body, and as an aid to hearing and sparkling eyes; that it would be efficacious as an aid to convalescence, in vitalizing the glands, quickening coordination between thought and action, keeping the body alkaline, keeping the iris of the eye in a healthy condition, preserving youthful appearance, and promoting longevity; that it would be efficacious in the treatment of acidosis, acne, anemia, auto-intoxication, biliousness, high blood pressure, boils, Bright's disease, bronchitis, sinus trouble, catarrh, colitis, diabetes, failing eyesight, cataract, falling hair, thin, hard, brittle fingernails, gallstones, jaundice, hardening of the arteries, hay fever, stiff joints, leucorrhea, low vitality, sciatic rheumatism, neuralgia, nerve exhaustion, enlargement of the prostate gland, poor circulation, sexual difference, tuberculosis of the lungs, and undernourishment in children; that it would be efficacious in the treatment of retarded growth, weakening of the body in adults, night blindness, dryness of mucous membranes, diminished resistance to diseases, especially those of the respiratory tract, impaired lactation, gland atrophy, xerophthalmia, drying of the lining of the eyelids with consequent inflammation of the lids and eyeballs, loss of appetite, vasomotor symptoms, retarded growth, loss of weight, disturbances of the intestines or colon, peripheral neuritis, nervous depression, general weakness, granulation at edges of eyelids, nutritional cataract, increased susceptibility to certain infections, decreased longevity; that it would be efficacious in the treatment of certain symptoms following pellagra, skin eruptions, dermatitis, and soreness of mouth and tongue, in restoring gray hair to original color, preventing loss of concentration of calcium and phosphorus in the blood, and lowered acidity of the intestinal tract, and in the treatment of sterility and paralysis; that it was a natural antiseptic, a vital element essential to life, and a natural alkaline germicidal agent; that it was essential to human nutrition and necessary to all kinds of animal life; and that it would supply nutritionally significant amounts of potassium, hydrogen, sodium, chlorine, sulfur, magnesium, nitrogen, carbon, oxygen, silicon, manganese, and fluorine. The article would be efficacious for the purposes represented, and it would not supply nutritionally significant amounts of the above-mentioned substances.

DISPOSITION: October 17, 1947. Pleas of guilty having been entered, the court imposed a fine of \$2,000 against the defendants jointly and severally.

13696. Misbranding of Beir-Nes Blue Label vitamin B₁ tablets. U. S. v. Barnes & Son and Alfred O. Barnes. Motion to strike denied. Pleas of *nolo contendere*. Fine of \$1,000 against each defendant. (F. D. No. 20983. Sample No. 58637-H.)

INDICTMENT RETURNED: March 12, 1947, Southern District of California, against S. O. Barnes & Son, a partnership, Gardena, Calif., and Alfred O. Barnes, partner in the partnership, for the offense of giving a false guaranty.

ALLEGED VIOLATION: On or about August 31, 1944, the defendants caused to be given to Beir-Nes Laboratories of Los Angeles, Calif., a guaranty providing that no food shipped or delivered by the defendants to the Beir-Nes Laboratories described in the guaranty as the distributor, would be adulterated or