

would be supplied by the product when consumed in a specified quantity during a period of one day, and a statement of the amount of vitamins contained in the product for which minimum daily requirements have not been established; and its label failed to bear with respect to its mineral properties a statement of the proportion of the minimum daily requirement for calcium, iron, phosphorus, and iodine which would be supplied by the product when consumed in a specified quantity during a period of one day.

**DISPOSITION:** August 23, 1948. Pleas of guilty having been entered, imposition of sentence was suspended for 1 year and the defendants were placed on probation for that period of time.

**88. Misbranding of Nova-Kelp. U. S. v. Johnstone Drug Sales Corp. and Frederick W. Clements. Pleas of nolo contendere. Fines of \$250 against each defendant. Payment of fine against corporation suspended. (F. D. C. No. 24236. Sample No. 39024-H.)**

**REL FILED:** March 17, 1948, Western District of New York, against the Johnstone Drug Sales Corp., Rochester, N. Y., and Frederick W. Clements president.

**ALLEGED SHIPMENT:** Between the approximate dates of April 16, 1945, and March 20, 1947, from the State of New York into the State of Michigan.

**REL, IN PART:** "Nova-Kelp \* \* \* A Deep-Sea Edible Plant \* \* \* Sole Owners and Distributors Nova-Kelp Company, Ltd., Rochester, New York."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statement "rich in \* \* \* Calcium, Copper, Sodium, Magnesium, Potassium, Phosphorus" was false and misleading since the article was not rich in calcium, copper, sodium, magnesium, potassium, and phosphorus.

Further misbranding, Section 403 (j), the article purported to be and was represented for special dietary uses by man by reason of its mineral properties with respect to iodine, iron, calcium, copper, sodium, magnesium, potassium, and phosphorus. Its label failed to bear as required by regulations a statement of the proportion of the minimum daily requirements for calcium, phosphorus, iodine, and iron which would be supplied by the article when consumed in a specified quantity during a period of one day; and its label failed also to bear as required by regulations a statement of the quantity of copper, sodium, magnesium, and potassium in a specified quantity of the article, which quantities are the amounts customarily and usually consumed during a period of one day, or quantities reasonably suitable for and practicable for consumption in such period.

**DISPOSITION:** August 9, 1948. Pleas of nolo contendere having been entered, the court imposed a fine of \$250 against each defendant. Payment of the fine against the corporation was suspended.

**889. Misbranding of saccharin tablets. U. S. v. National Specialty Co. Plea of nolo contendere. Fine, \$100. (F. D. C. No. 23570. Sample Nos. 54108-H, 54109-H, 55101-H.)**

**REL INFORMATION FILED:** October 21, 1947, Middle District of Tennessee, against the National Specialty Co., a partnership, Nashville, Tenn.

**ALLEGED SHIPMENT:** On or about October 19 and December 31, 1946, from the State of Tennessee into the States of Georgia and Indiana.

PRODUCT: Saccharin tablets. Two shipments of the product were contained in small packages attached to cards, and 12 packages were attached to each card. Each package was labeled as containing 35 tablets. The third shipment of the product was contained in bottles purportedly containing 100 tablets each.

LABEL, IN PART: (Display cards) "Nasco Brand Saccharin Tablets 35's"; (packages) "Nasco Brand Saccharin Tablets 1/4 Grain Soluble 10¢"; or (bottles) "Nasco Brand 100 Saccharin Tablets."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the product in both size packages failed to bear a label containing an accurate statement of the quantity of the contents since the label on the 35-tablet size packages bore no statement of the quantity of the contents, and the label on the 100-tablet size bottles bore an inaccurate statement since some of the bottles contained less than 100 tablets and some contained more than 100 tablets; and, Section 403 (a), the statement on the display cards "Saccharin Tablets 35's" was false and misleading since a number of packages attached to the cards contained less than 35 tablets.

DISPOSITION: March 24, 1948. A plea of nolo contendere having been entered, the defendant was fined \$100.

13890. Misbranding of Dr. Schultz Vitalic Egg-Maker. U. S. v. Picard Pharmacy, Inc. (Venus Wholesale Co.), and Lawrence J. Doud and Ralph R. Reemts. Pleas of nolo contendere. Fine of \$75 and costs against defendants jointly. (F. D. C. No. 23263. Sample No. 20637-H.)

INFORMATION FILED: January 30, 1948, District of Nebraska, against Picard Pharmacy, Inc., trading under the name of the Venus Wholesale Co. at Geneva, Nebr., and against Lawrence J. Doud, president, and Ralph R. Reemts, secretary.

ALLEGED SHIPMENT: On or about April 7, 1947, from the State of Nebraska into the State of Kansas.

PRODUCT: Analysis disclosed that the product consisted essentially of mineral salts containing 23.23 percent of calcium, 3.40 percent of phosphorus, 2.99 percent of iron, 9.81 percent of sodium chloride, and a manganese compound, charcoal, and plant material including nux vomica and quassia.

LABEL, IN PART: "Dr. Schultz Vitalic Egg-Maker and General Conditioner \* \* \* Dr. Schultz-Veterinary Laboratories [or "Dr. Schultz Vitalic Egg-Maker \* \* \* Sole Midwest Distributors Venus Wholesale Co."] Geneva, Nebr."

NATURE OF CHARGE: Dr. Schultz Vitalic Egg-Maker. Misbranding, Section 403 (a), certain statements on the label of the article and in a circular entitled "Dr. Schultz Vitalic Egg-Maker" enclosed with the article were false and misleading since the article would not fulfill the promises of benefit suggested and implied. The statements represented and suggested and created the impression that the article was necessary for the production of eggs; that it was a medicated tonic and conditioner for poultry; that it would keep poultry in a thriving, healthy condition, and would build blood and bone; that it would be effective in producing diuresis and laxation; that it would stimulate the appetite and improve the general tone and condition of poultry; that it would be effective in checking worms and parasites in the intestinal tract of poultry and would prevent losses in poultry; that it would promote quick gains and rapid growth and would be effective in eliminating toxic poisons from clogged systems.