

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE

15294. Adulteration and misbranding of cod liver oil. U. S. v. Zehr & Co. Plea of guilty. Fine of \$100 on each of 4 counts, plus costs; payment of fine on 3 counts suspended. (F. D. C. No. 26741. Sample Nos. 41696-K, 42221-K.)

INFORMATION FILED: October 26, 1949, Northern District of Ohio, against Zehr & Co., a corporation, Pettisville, Ohio.

ALLEGED SHIPMENT: On or about November 19, 1948, and January 20, 1949, from the State of Ohio into the State of Wisconsin.

LABEL, IN PART: "Zerco Cod Liver Oil For Poultry Feeding" and "Zerco Cod Liver Oil * * * Supreme Quality for Fur Bearing Animals."

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

Misbranding, Section 403 (a), the statements "containing 681,000 U. S. P. Units Vitamin A 68,100 A. O. A. C. Units Vitamin D per pound * * * 1,500 U. S. P. Units Vitamin A 150 A. O. A. C. Units Vitamin D per gram," displayed upon the label of the oil for poultry feeding, and the statements "containing 1,135,000 U. S. P. Units Vitamin A. 113,500 A. O. A. C. Units Vitamin D per pound," displayed upon the label of the oil for the fur bearing animals, were false and misleading since the respective portions of the articles contained less than those amounts of vitamins.

DISPOSITION: October 26, 1949. A plea of guilty having been entered, the court imposed a fine of \$100 on each of the four counts of the information, plus costs, and suspended payment of the fine on three counts.

15295. Adulteration and misbranding of vitamin and mineral tablets. U. S. v. 20 Bottles * * *. (F. D. C. No. 27460. Sample No. 29775-K.)

LABEL FILED: July 12, 1949, District of Colorado.

ALLEGED SHIPMENT: On or about May 10 and 16, 1949, from Los Angeles, Calif.

PRODUCT: 20 100-tablet bottles of vitamin and mineral tablets at Denver, Colo.

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

Misbranding, Section 403 (a), the label statements "6 Tablets * * * contain not less than * * * Vitamin D 2,400 U. S. P. Units * * * 6 Tablets supplies the Daily Adult Minimum Requirement of * * * and 6 Times that of * * * Vitamin D" were false and misleading as applied to the article, which contained less than the declared amount of vitamin D.

The article was adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: August 15, 1949. The shipper of the product having executed an Acceptance of Service and Authorization for Taking of Final Decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

15296. Adulteration and misbranding of Multi-Vitalins tablets. U. S. v. 223 Bottles, etc. (F. D. C. No. 27626. Sample No. 27735-K.)

LABEL FILED: August 3, 1949, Southern District of Illinois.

ALLEGED SHIPMENT: On or about June 11, 1949, by the Keith-Victor Pharmacal Co., from St. Louis, Mo.

PRODUCT: Multi-Vitalins tablets. 223 100-tablet bottles, 172 1,000-tablet bottles, 5 6,000-tablet bottles, and 1 5,000-tablet bottle, in possession of the Lincoln Laboratories, Inc., Decatur, Ill. The product had been shipped in a bulk container bearing the statement, among others, that each tablet contained 20 mgs. of niacin. It was repackaged and labeled by the consignee. Examination showed that the product contained less than 20 mgs. of niacin per tablet.

LABEL, IN PART: (Repackaged article) "Multi-Vitalins Red Oval Each Tablet Contains: * * * Niacin 20 Mgs."

NATURE OF CHARGE: Adulteration Section 402 (b) (1), a valuable constituent, niacin, had been in part omitted or abstracted from the article. It was adulterated when introduced into, and while held for sale after shipment in, interstate commerce.

Misbranding, Section 403 (a), the label statement "Each tablet contains: * * * Niacin 20 mgs." was false and misleading as applied to the article, which contained less than 20 mgs. of niacin. 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 content, and its label failed to bear as prescribed by the regulations a statement of the proportion of the minimum daily requirements of vitamins A, D, B₁, B₂, and C, and the amounts of vitamin B₆, niacin, and calcium pantothenate furnished by a specific quantity of the article when consumed during a period of one day; and its label failed also to bear as required by the regulations the statement that "The need for vitamin B₆ and calcium pantothenate in human nutrition has not been established." The article was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: October 17, 1949. The Keith-Victor Pharmacal Co., St. Louis, Mo., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Federal Security Agency.

15297. Adulteration and misbranding of Private Formula tablets. U. S. v. 1 Drum * * *. (F. D. C. No. 27661. Sample No. 46081-K.)

LABEL FILED: On or about August 5, 1949, Western District of Missouri.

ALLEGED SHIPMENT: On or about November 20, 1948, from Chicago, Ill.

PRODUCT: 1 drum containing 30,000 Private Formula tablets at Springfield, Mo.

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, thiamine hydrochloride (vitamin B₁), and niacinamide, had been in part omitted or abstracted from the article.

Misbranding, Section 403 (a), the label statement "Each tablet represents Thiamin HCL 850 USP Units * * * Niacinamide 10 mg." was false and misleading as applied to the article which contained less than those amounts.

The article was adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: October 6, 1949. Default decree of destruction.

15298. Adulteration and misbranding of Multi-Vi Liquid. U. S. v. 60 Bottles * * *. (F. D. C. No. 27660. Sample No. 25956-K.)

LABEL FILED: July 23, 1949, District of Minnesota.