

**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 rodent excreta, rodent urine, and rodent hairs; and, Section 402 (a) (4), it had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** October 2, 1951. A. B. Abbitt & Co., Inc., having appeared as claimant, but later having withdrawn its claim and consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be destroyed.

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

**17898. Alleged misbranding of Aminex amino acid tablets. U. S. v. 51 Packages**  
\* \* \*. (F. D. C. No. 19401. Sample No. 14051-H.)

**LIBEL FILED:** March 13, 1946, Southern District of Ohio; amended libel filed on or about October 22, 1947.

**ALLEGED SHIPMENT:** Between the approximate dates of January 6 and February 1, 1946, by Nutritional Enterprises, from Chicago, Ill.

**PRODUCT:** 51 packages of Aminex amino acid tablets at Cincinnati, Ohio.

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the designation "Aminex Amino Acid Tablets" and the names of individual amino acids appearing upon the labeling of the article were misleading since the designation and names represented and suggested that the article when taken in accordance with the directions upon its labeling, namely, "Directions: For Use as a dietary supplement, one to three tablets a day," would supply nutritionally significant amounts of amino acids, whereas the article would not supply nutritionally significant amounts of amino acids when taken as directed; and the labeling statement "Inasmuch as the daily minimum requirements of the Amino Acids are not established" was misleading since there is adequate evidence to establish that the requirement for amino acids to maintain normal nutrition of man is far in excess of the quantities that would be provided by the product when taken as directed.

The libel alleged also that certain other articles were misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 3649.

**DISPOSITION:** Lelord Kordel appeared as claimant and filed exception, seeking dismissal of the libel. Thereafter, on February 18, 1952, following preliminary proceedings involving the other products, and upon stipulation by the parties that the case presented no question for adjudication for the reason that all of the products under seizure had deteriorated and become unmarketable, and with the consent of the parties and without any finding on any issue of fact or law, the court ordered that the products be destroyed.

**17899. Adulteration of Dwarfies wheat germ. U. S. v. 5 Cases \* \* \***  
(F. D. C. No. 31424. Sample No. 16184-L.)

**LIBEL FILED:** On or about July 6, 1951, District of Kansas.

**ALLEGED SHIPMENT:** On or about May 10, 1951, by Dwarfies Corp., from Council Bluffs, Iowa.

\*See also No. 17852.

**PRODUCT:** 5 cases, each containing 12 12-ounce jars, of Dwarfies wheat germ, at Topeka, Kans.

**LABEL, IN PART:** "Dwarfies Toasted Wheat Germ."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects and rodent excreta.

**DISPOSITION:** August 17, 1951. Default decree of condemnation and destruction.

**17900. Adulteration and misbranding of Specifide Vitamin Source For Feeds. U. S. v. Specifide, Inc., and John O. Beasley. Pleas of nolo contendere. Each defendant fined \$200, together with costs. Fine against individual suspended. (F. D. C. No. 30606. Sample Nos. 84290-K, 84291-K.)**

**INFORMATION FILED:** August 1, 1951, Southern District of Indiana, against Specifide, Inc., Indianapolis, Ind., and John O. Beasley, president of the corporation.

**ALLEGED SHIPMENT:** On or about July 20 and September 8, 1950, from the State of Indiana into the State of Kentucky.

**LABEL, IN PART:** "Specifide Vitamin Source For Feeds 360,000 A. O. A. C. Chick Units of Vitamin D [or "180,000 A. O. A. C. Chick Units of Vitamin D"] Vitamin Guarantee Per Pound."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent of the product, vitamin D, had been in part omitted.

Misbranding, Section 403 (a), the label statements "Vitamin Guarantee Per Pound 360,000 A. O. A. C. Chick Units of Vitamin D" and "180,000 A. O. A. C. Chick Units of Vitamin D" were false and misleading since the product contained less than the declared amounts of vitamin D per pound.

**DISPOSITION:** November 23, 1951. Pleas of nolo contendere having been entered, each defendant was fined \$200, together with costs. The fine against the individual defendant was suspended.

## INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 17851 TO 17900

### PRODUCTS

	N. J. No.		N. J. No.
Aminex amino acid tablets	17898	Dairy products	17859-17862
Amino acid tablets, Aminex	17898	Dwarfies wheat germ	17899
Antipasto, canned	17893	Eggs, frozen	17863, 17864
Apples, dried, ground	17873	Fish and shellfish	17865-17871
Blackstrap molasses	<sup>1</sup> 17852	Flavors. See Spices, flavors, and	
Bran	17855	seasoning materials.	
Butter	17859, 17860	Flour	17853, 17854
Candy	17851	Fruits and vegetables	17872-17883
Cereals and cereal products	17853-17858	fruit, canned	17872
Cheese	17861	dried	17873, 17874
grated	17862	frozen	17875, 17876
Clams, frozen	17869	tomatoes and tomato products	17880-17883
Crab meat, canned	17870	vegetables	17877-17879

<sup>1</sup> (17852) Seizure contested. Contains opinions of the court.