

**LIBELED:** 2-11-55, Dist. Mass.

**CHARGE:** 402 (a) (3)—contained birds contaminated with fecal matter; and, 402 (a) (5)—contained diseased birds when shipped.

**DISPOSITION:** 3-21-55. Default—destruction.

**22445. Dressed poultry (2 seizure actions).** (F. D. C. Nos. 37040, 37044. S. Nos. 84-803/4 L.)

**QUANTITY:** 400 lbs. in 6 crates and 207 lbs. in 3 crates at Atlantic City and Camden, N. J.

**SHIPPED:** 7-28-54 and 7-30-54, from Philadelphia, Pa., by Quaker City Poultry Sales Corp.

**LIBELED:** 8-9-54 and 8-10-54, Dist. N. J.

**CHARGE:** 402 (a) (3)—contained birds contaminated with fecal matter and extensively bruised birds; and, 402 (a) (5)—contained diseased birds when shipped.

**DISPOSITION:** 8-30-54. Consent—claimed by Quaker City Dressed Poultry Co., Inc., and destroyed.

**22446. Dressed poultry.** (F. D. C. No. 37660. S. No. 6-462 M.)

**QUANTITY:** 380 lbs. in 6 boxes at Covington, Ky.

**SHIPPED:** 2-8-55, from Cincinnati, Ohio, by Wilson Bros. Co.

**LIBELED:** 2-14-55, E. Dist. Ky.

**CHARGE:** 402 (a) (3)—contained birds contaminated with fecal matter; and, 402 (a) (5)—contained diseased birds when shipped.

**DISPOSITION:** 6-22-55. Consent—the shipper having waived his right to claim the product and having requested its destruction, the court ordered it destroyed.

**22447. Dressed poultry.** (F. D. C. No. 37637. S. No. 13-170 M.)

**QUANTITY:** 300 lbs. in 4 crates at Philadelphia, Pa.

**SHIPPED:** 1-19-55 and 1-20-55, from Wilmington, Del., by Ace Poultry Co.

**LIBELED:** 1-28-55, E. Dist. Pa.

**CHARGE:** 402 (a) (3)—contained birds contaminated with fecal matter and crop material; and, 402 (a) (5)—contained diseased birds when shipped.

**DISPOSITION:** 4-4-55. Default—destruction.

**22448. Dressed poultry.** (F. D. C. No. 37576. S. No. 17-070 M.)

**QUANTITY:** 287 lbs. in 5 crates at Norfolk, Va.

**SHIPPED:** 12-14-54, from High Point, N. C., by Modern Poultry.

**LIBELED:** 1-27-55, E. Dist. Va.

**CHARGE:** 402 (a) (3)—contained decomposed birds and extensively bruised birds; and, 402 (a) (5)—contained diseased birds when shipped.

**DISPOSITION:** 4-11-55. Default—consumption by animals.

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

**22449. B-amino-complex (B-amino-BAC-complex or Unitone) tablets.** (Inj. No. 267.)

\*See also No. 22402.

**COMPLAINT FOR INJUNCTION FILED:** 9-28-53, S. Dist. N. Y., against Barrows Chemical Co., Inc., and Unitone Corp., both of New York, N. Y., and against Joseph Barrows, president of the corporations, to enjoin the interstate shipment of an article in tablet form known by the trade names of "B-amino-complex," "B-amino-BAC-complex," and "Unitone"; amended complaint filed on or about 10-30-53.

**LABEL IN PART:** "B-Amino-Complex [or "B-Amino-BAC-Complex" or "Unitone"]  
\* \* \* **VITAMINS** Daily dose of 6 tablets contains: Vitamin B<sub>1</sub> (Thiamine Hydrochloride) 18.0 mg. Vitamin B<sub>2</sub> (Riboflavin) 27.0 mg. Niacinamide 180.0 mg. Vitamin B<sub>6</sub> (Pyridoxine Hydrochloride) 3.0 mg. High Potency Yeast 200.0 mg. Brewer's Type Yeast 200.0 mg. Inositol 60.0 mg. Choline Hydrochloride 60.0 mg. Panthenol (Equal to Cal. Pantothenate 30 mg.) 26.1 mg. **AMINO ACIDS** (Vitagenic Accelerators) as contained in Yeast Protein Enzymatic Hydrolysate 1.0 Gm. Fortified with Nucleic Acid 100.0 mg. Glutamic Acid 50.0 mg. Glycine 50.0 mg. Cysteine Hydrochloride 25.0 mg. **DI AND TRI-VALENT MINERALS** Iron (Feric Citro Pyrophosphate Soluble) 28.8 mg. Copper (Copper Sulfate) 2.1 mg. Magnesium (Magnesium Sulfate) 5.9 mg. Zinc (Zinc Sulfate) 1.4 mg. Cobalt (Cobalt Sulfate) 1.3 mg."

**CHARGE:** The complaint alleged that the defendants were engaged in the business of manufacturing, distributing, and selling the above-mentioned article, and that for the purpose of explaining the uses of the article and promoting its distribution, the defendants caused the article to be accompanied by labeling consisting of leaflets entitled "Amazing Medical Discovery," "If Your Body Could Talk It Would Say," and "A Revolutionary Advance in Nutrition," placards entitled "Amazing Discovery Checks Deafness, Helps Restore Hearing, Clinically Tested—Come in For Free Booklet," "BAC," and "For the One in Five Who is Hard of Hearing," and publications entitled "Nutritional Guide Better Nutrition Better Health" and "Health and Nutrition News Spring Summer 1953."

The complaint alleged further that the defendants were violating the Act by causing the introduction and delivery for introduction into interstate commerce of the article which was misbranded as follows:

403 (a)—the label of the article and the above-mentioned accompanying labeling contained false and misleading representations that the article was an adequate and effective treatment for deafness; that the article was a new and amazing discovery and a revolutionary advance as a food supplement which, when used as directed, would supply an important quantity of protein; that the article was needed to activate the eyes, ears, lungs, liver, intestines, muscles, brain, heart, stomach, kidneys, and the entire body; that it would supply vitamins, proteins, and minerals in the correct proportions and balanced amounts to stimulate the body to work as nature intended; that it would endow the user with vibrant life, health, and energy; that it would enable the liver to convert more than normal amounts of carbohydrates into energy; that it would supply increased energy to the heart, lungs, muscles, liver, and other important organs; that it would supply missing enzymes necessary to carry on body functions, such as growth, reproduction, secretion, nerve conduction, muscular contraction, etc.; that it would transfer fatigue to quick energy, prevent and correct dysfunction in the energy conversion chemistry of body functioning; and that it would reactivate all enzyme systems necessary for healthy body functioning and would activate the body cells to function as nature intended;

403 (a)—the following statements in the accompanying leaflet entitled "If Your Body Could Talk It Would Say," namely, "'Unbalanced B. Vitamins May Be Dangerous' . . . says The Journal of the American Medical Association in an Editorial of September 1, 1945. They say further . . . 'Extensive scientific evidence has revealed that if B Vitamins are administered in other than balanced proportions they may create Vitamin Deficiencies rather than cure them' . . . still quoting the JAMA, the Editorial continues 'Many B-Complex preparations available to the physician and public today are definitely unbalanced . . . either too much thiamine or not enough riboflavin, niacin, or pyridoxine,'" was false and misleading since the quotations contained in such statements did not appear in an editorial in the September 1, 1945, issue of the Journal of the American Medical Association.

The complaint contained also allegations concerning the misbranding of the article under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices.

DISPOSITION: 11-18-54. The defendants having consented to the entry of a decree, the court entered a decree of permanent injunction. The decree enjoined the defendants against introducing into interstate commerce the above-mentioned article or any similar article accompanied (1) by the above-mentioned leaflets and placards or (2) by any written, printed, and graphic matter representing that the article was a new and amazing discovery and a revolutionary advance as a food supplement which, when used as directed, would supply an important quantity of protein; that the article was needed to activate the eyes, ears, lungs, liver, intestines, muscles, brain, heart, stomach, kidneys, and the entire body; that it would supply vitamins, proteins, and minerals in the correct proportions and balanced amounts to stimulate the body to work as nature intended; that it would endow the user with vibrant life, health, and energy; that it would enable the liver to convert more than normal amounts of carbohydrates into energy; that it would supply increased energy to the heart, lungs, muscles, liver and other important organs; that it would supply missing enzymes necessary to carry on body functions such as growth, reproduction, secretion, nerve conduction, muscular contraction, etc.; that it would transfer fatigue to quick energy, prevent and correct dysfunction in the energy conversion chemistry of body functioning; and that it would reactivate all enzyme systems necessary for healthy body functioning and would activate the body cells to function as nature intended; or (3) by written, printed, and graphic matter representing that the article would check or cure or be an adequate and effective treatment for deafness or hard of hearing. The decree provided, however, that the defendants could introduce the article into interstate commerce if it was accompanied by written, printed, or graphic matter clearly limiting and describing the use of the article only as follows:

For cases in which the cause of deafness has been medically diagnosed as hearing nerve deafness due to carbohydrate metabolic disturbance as indicated by high pyruvic acid level in the blood (higher than 2 mg. per 100 cc. under basal conditions), this product may be of value when used in conjunction with other suitable treatment prescribed by your physician. A blood test is necessary to determine whether the level of pyruvic acid in the blood is high.

The decree further enjoined the defendants against introducing the article into interstate commerce unless it was accompanied by written, printed, or

graphic matter which clearly stated and enumerated every disease, condition, symptom, and purpose for which the article was intended to be used and for which it was represented by any means to the public.

22450. Vitamin oil. (F. D. C. No. 37465. S. No. 78-153 L.)

QUANTITY: 3 413-lb. drums at Cleveland, Ohio.

SHIPPED: 5-28-54, from Boonton, N. J., by E. F. Drew & Co.

LABEL IN PART: "Vitand Vitamin Oil For Poultry And Animal Feeds."

RESULTS OF INVESTIGATION: Analysis showed that the article contained 50 percent of the declared amount of vitamin D.

LIBELED: 12-10-54, N. Dist. Ohio.

CHARGE: 402 (b) (1)—a valuable constituent, vitamin D, had been in part omitted or abstracted from the article when shipped; and, 403 (a)—the label statement "Guaranteed To Contain At Least Vitamin D 900 International Chick Units" was false and misleading.

DISPOSITION: 1-13-55. Default—destruction.

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<sup>1</sup> (22449) Injunction issued.

<sup>2</sup> (22413, 22442) Prosecution contested. Contains opinion of the court.

<sup>3</sup> (22440) Prosecution contested.