

The libel alleged also that the article was misbranded under the provisions of the Act relating to drugs as reported in notices of judgment on drugs and devices, No. 6454.

DISPOSITION: 12-5-60. Default—destruction.

27399. Brand Nu and Twin Trim. (F.D.C. No. 44910. S. Nos. 28-054 R, 28-050 R.)

QUANTITY: 5 cases, each containing 20 7-oz. jars, and 21 cases, each containing 15 15-oz. jars, labeled "Twin Trim," and an unknown number of packets containing 4 grains each and cartons each containing 25 4 gram packets labeled "Brand Nu," and 10 5-lb. bags unlabeled, at Minneapolis, Minn., in possession of Standard Industries, Inc., and others.

SHIPPED: Prior to March 1960, from Chicago, Ill., by Standard Pharmacal.

LABEL IN PART: (Jar) "New Twin Purpose Twin Trim A Nutritional Supplement. Directions: For use in a low calorie diet * * * To maintain your desired weight after reaching it * * * As a nutritional supplement * * * Manufactured For and Distributed by Bee Gee Sales, Inc., Minneapolis." (packet) "Combats over-indulgence or that 'morning after feeling.' Brand Nu * * * For best results take one before or during indulgence and one the following morning before eating."

RESULTS OF INVESTIGATION: The article labeled "Twin Trim" was repacked in part by Standard Industries, Inc., into the packets labeled "Brand Nu" and into the unlabeled bags.

LIBELED: 10-3-60, Dist. Minn.

CHARGE: Twin Trim, 403(a)—when shipped, the name "Twin Trim" and vignettes of silhouettes of stout and of properly proportioned adult figures, and statements in the label, were false and misleading since they represented and suggested that use of the article would cause the user to reduce weight and maintain a trim, properly proportioned figure whereas use of the article would not accomplish such results; and 403(i) (2)—when shipped, the label of the article failed to bear the common or usual name of each ingredient, since Milk Protein, Skim Milk Powder, Soya Protein Lecithin, and Yeast K-Strain, are not the common or usual names of these ingredients;

Brand Nu, 403(i) (2)—while held for sale, the label of the article failed to bear the common or usual name of each ingredient, since Milk Protein, Skim Milk Powder, Soya Protein Lecithin, and Yeast K-Strain, are not the common or usual names of these ingredients; and 403(j)—the article purported to be and was represented as a food for special dietary use by reason of its vitamin and mineral content and its label failed to bear, as required by regulations, a statement of the proportion of the minimum daily requirement for vitamins A, B₁, C, D, riboflavin, and niacin or niacinamide, and calcium, phosphorus, iron, and iodine, supplied by such food when consumed in a specified quantity during a period of one day.

The article Brand Nu was alleged also to be misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices.

DISPOSITION: 12-30-60. Default—destruction.