

27400. Various vitamin products. (F.D.C. No. 44889. S. Nos. 35-368/9 R, 35-374 R.)

QUANTITY: 42 100-tablet btls. of Formula No. 748; 93 100-tablet btls. of Formula No. 749; and 8 4-oz. btls. of Formula No. 760, at New York, N.Y., in possession of George Nemiroff & Co., Inc.

SHIPPED: On various dates during 1959 and 1960, from Baltimore, Md., and Roselle, N.J.

LABEL IN PART: "Formula No. 748 * * * Niacin 100 mg."; "Formula No. 749 * * * Niacinamide 50 mg.," and "Formula No. 760 * * * Nemco-Bild An Appetite Stimulant with Lysine."

RESULTS OF INVESTIGATION: The articles were packed in retail-size containers by the manufacturers and labeled with labels supplied by the dealer.

LIBELED: 9-19-60, S. Dist. N.Y.

CHARGE: Formula No. 748—Niacin and Formula No. 749—Niacinamide, 403(a)—when shipped, the label statement "Niacin [or "Niacinamide"] * * * The Daily Minimum Requirement has not been established" was false and misleading since it was contrary to fact; and 403(j)—the articles purported to be or were represented as foods for special dietary uses by reason of their vitamin content and their labels failed to bear as the regulations require, a statement of the proportion of the minimum daily requirement for niacin or niacinamide supplied by such foods when consumed in a specified quantity during the period of one day.

Formula No. 760—Nemco-Bild, 403(a)—when shipped, the label statement "The need in human nutrition for lysine has not been established," was false and misleading since it was contrary to fact.

The libel alleged also that the articles were misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices.

DISPOSITION: 10-13-60. Consent—claimed by George Nemiroff & Co., Inc., and relabeled.

INDEX TO NOTICES OF JUDGMENT F.N.J. NOS. 27351-27400

PRODUCTS

	N.J. No.		N.J. No.
Almonds, unshelled-----	27384, 27385	Fish and shellfish-----	27369-27370
Brand Nu-----	27399	Flavors. See Spices, flavors, and	
Butter-----	27364, 27365	seasoning materials.	
Candy. See Confectionery.		Formula No. 748 tablets-----	27400
Cereals and cereal products---	27351-	No. 749 tablets-----	27400
	27361	No. 760 tablets-----	27400
Chickens. See Poultry.		Frog legs, frozen-----	27371
Chickpeas-----	27377	Fruits and vegetables-----	27372-27382
Chocolate topping-----	27362	fruit, canned-----	27372
Confectionery-----	27363	dried-----	27373
Dairy products-----	27364-27366	frozen-----	27374, 27375
Decavitamin tablets-----	27394	tomatoes and tomato prod-	
Egg(s), frozen-----	27367	ucts-----	27380-27382
noodles-----	27351	vegetables and vegetable prod-	
Feeds and grains-----	27368	ucts-----	27376-27379
		Gestatabs-----	27395