the method of determination. There was therefore no restriction upon the method of assay to be employed, although of course the subsequently adopted U. S. P. method was entitled to great weight. As the District Court itself noted, the most direct way for the appellants to have impeached the U. S. P. method of assay would have been for them to have attempted to prove the potency of their tablets by some other assay method.

"Judgment affirmed."

3771. Adulteration and misbranding of vitamin C and vitamin B_1. U. S. v. 330 Vials, etc. (F. D. C. No. 33076. Sample Nos. 17714–L, 17717–L.)

LIBEL FILED: April 16, 1952, Southern District of California.

ALLEGED SHIPMENT: Between January 1944 and January 1950, from Detroit, Mich.

PRODUCT: 330 2-cc. vials of *vitamin C* and 90 10-cc. vials of *vitamin B_1* at Los Angeles, Calif. Analysis showed that the 330-vial lot contained approximately 85.8 mg. of ascorbic acid per each 2 cc. and that the 90-vial lot contained approximately 76 mg. of vitamin B_1 per each 1 cc.

LABEL, IN PART: "2 cc. size vitamin C Each 2 cc. contains 100 mg. Ascorbic Acid" and "10 cc. size vitamin B_1 (thiamine chloride) Each cc. contains vitamin B_1 100 mg. (equivalent to 33,000 international units)."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strengths of the articles differed from those which they purported or were represented to possess.

Misbranding, Section 502 (a), the statements on the label of the *vitamin C* "Each 2 cc. contains 100 mg. Ascorbic Acid" and on the label of the *vitamin B_1* "Each cc. contains vitamin B_1 100 mg. (equivalent to 33,000 international units)" were false and misleading as applied to the articles, which contained less than those amounts of ascorbic acid and vitamin B_1, respectively.

The articles were adulterated and misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: May 8, 1952. Default decree of condemnation and destruction.

3772. Adulteration and misbranding of vitamin B complex. U. S. v. 13 Cases * * *. (F. D. C. No. 33116. Sample No. 31517–L.)

LIBEL FILED: May 2, 1952, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about February 18, 1952, by Delta Laboratories, from Inglewood, Calif.

PRODUCT: 13 cases of *vitamin B complex* at St. Louis, Mo. Analysis showed that the product contained approximately 69 percent of the declared amount of thiamine hydrochloride (vitamin B_1).

LABEL, IN PART: "B Complex with B_{12} & Folic Acid per Vial * * * Thiamine HCL. 10 Mg. * * * Size 10 CC. Units 450 Lot No. 1007."

NATURE OF CHARGE: Adulteration, Section 501 (c), the strength of the article differed from that which it purported or was represented to possess, namely, 10 mg. of thiamine hydrochloride per vial.

Misbranding, Section 502 (a), the label statement "per Vial * * * Thiamine HCL. 10 Mg." was false and misleading as applied to the article, which contained less than 10 mg. of thiamine hydrochloride per vial.

DISPOSITION: May 27, 1952. Default decree of condemnation and destruction.