

article contained less vitamin B₁ than represented. A portion of the article was represented to contain 85 International Units of vitamin B₁ and one-third of the minimum daily requirement for vitamin B₁, and the other portion of the article was represented to contain 50 International Units of vitamin B₁ and one-fifth of the minimum daily requirement for vitamin B₁.

DISPOSITION: December 28, 1950. A plea of nolo contendere having been entered, the court imposed a fine of \$40.

17399. Misbranding of Bone Food (bone phosphate). U. S. v. 1 Drum, etc.
(F. D. C. No. 30231. Sample No. 81871-K.)

LIBEL FILED: November 9, 1950, Southern District of Florida.

ALLEGED SHIPMENT: On or about August 15, 1950, from Chicago, Ill.

PRODUCT: 1 full drum containing 325 pounds and 1 partly filled drum containing 100 pounds of bone phosphate, and 102 1-pound bottles and 98 6½-ounce bottles containing the same product relabeled Bone Food, at Miami, Fla., in possession of Carothers' Laboratory, together with a number of loose bottle labels, a number of circulars entitled "Carothers' Laboratory To The Physician," and a number of placards entitled "Your Bones Can Be Like This."

Examination showed that the Bone Food contained the declared proportion of calcium and phosphorus but less than 1 percent of magnesium.

RESULTS OF INVESTIGATION: The article contained in the bottles was repackaged from one of the above-mentioned drums at the point of destination. The consignee had the labels, circulars, and placards printed, and these circulars and placards were sent to customers with initial shipments of the repackaged product.

LABEL, IN PART: (Drum) "Bone Phosphate"; (bottle) "Carothers' Bone Food #1 Mineral Supplement To Your Diet Analysis: Calcium 33% Phosphorus 15% Magnesium 14% Iron 710 ppm Zinc 30 ppm Copper 5 ppm Manganese 4 ppm Fluorine 400-500 ppm."

NATURE OF CHARGE: Misbranding, Section 403 (a), the labeling of the articles in the drums and bottles, namely, the above-mentioned circulars, contained statements which were false and misleading. The statements represented and suggested that the articles would give the user a feeling of health, strength, and well being, whereas the articles would not give the user a feeling of health, strength, and well being. Further misbranding, Section 403 (a), the statement on the bottle label "Magnesium 14%" was false and misleading as applied to the Bone Food, which contained less than one percent of magnesium. The articles were misbranded in the above respects while held for sale after shipment in interstate commerce.

The articles were alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 3395.

DISPOSITION: January 12, 1951. Default decree of forfeiture and destruction.

17400. Adulteration and misbranding of Kevoetts and misbranding of Kevo.
U. S. v. 7½ Cases, etc. (F. D. C. No. 29800. Sample Nos. 78447-K, 78448-K.)

LIBEL FILED: October 19, 1950, Western District of Washington.

ALLEGED SHIPMENT: On or about March 22, May 16, July 24, and October 3, 1950, by W-H-Y & Kevo Products Co., Ltd., from Azusa, Calif.

PRODUCT: 7½ cases, each containing 12 14-ounce cans, of Kevo, and 2 8/12 cases, each containing 12 14-ounce cans, of Kevoetts, at Seattle, Wash. Examination showed that both products contained undeclared caffeine.

LABEL, IN PART: (Can) "Drink A Meal Kevo A Delicious Food-Beverage" or "Bartlett's Kevoetts A Delicious (Blended) Dietary Supplement and Confection."

NATURE OF CHARGE: Kevoetts. Adulteration, Section 402 (d), the product was confectionery, and it contained a nonnutritive substance, caffeine. Misbranding, Section 403 (j), the product purported to be and was represented as a food for special dietary uses, and its label failed to bear such information concerning its vitamins, mineral, or other dietary properties as determined and promulgated in the regulations.

Kevo. Misbranding, Section 403 (i) (2), the product was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each ingredient.

DISPOSITION: June 18, 1951. Default decree of condemnation and destruction.

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¹ (17368) Prosecution contested.

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

17401-17450

FOODS

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

CHARLES W. CRAWFORD, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *November 21, 1951.*

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