DISPOSITION: 6–17–60. Consent—claimed by Genius, Inc., of Seattle, Wash., and relabeled.

6231. Alfalfa seed. (F.D.C. No. 44564. S. No. 4–024 R.)

QUANTITY: 13 100-lb. bags and 110 1-lb. ctns. at Richmond, Va., in possession of T. W. Wood & Sons.

SHIPPED: 9–4–59 and 2–1–60, from Yuma, Ariz.

LABEL IN PART: (Bag) "Alfalfa for Tea" or "Common * * * Alfalfa"; (ctn.) "One Pound Net Wood's Hollybrook Brand * * * Alfalfa Seed," (top) "T. W. Wood & Sons * * * Richmond, Va." and (bottom) "Grown in California."

ACCOMPANYING LABELING: Catalog entitled "Spring Catalog 1960."

RESULTS OF INVESTIGATION: The article in the 1-lb. cartons was repacked and labeled by the dealer from the bulk bags shipped as described above.

LIBELED: 5–11–60, E. Dist. Va.

CHARGE: 502(a)—while held for sale, the label statement "Grown in California" was false and misleading as applied to a product which was grown in Arizona; and the labeling which accompanied the article contained false and misleading representations that the article was an adequate and effective treatment for arthritis and rheumatism.

DISPOSITION: 6–8–60. Consent—claimed by T. W. Wood & Sons, Richmond, Va., and relabeled.

6232. Protein wafers. (F.D.C. No. 44557. S. No. 29–202 R.)

QUANTITY: 98 btls., each containing 300 wafers, at Council Bluffs, Iowa, in possession of Dwarfies, Inc.

SHIPPED: 9–25–57, from Los Angeles, Calif.

LABEL IN PART: (Btl.) "'Miss Physical Fitness' Dixie Q Balanced Hi Protein Wafers * * * Eat Like Candy! Lemon and Malt Flavors * * * Internationally Chosen 'Miss Physical Fitness' * * * Each 12 Wafers Contain: % Adult MDR Thiamine (vitamin B–1) 2.0 mgm. 200% Riboflavin (vitamin B–2) 2.5 mgm. 208% Pyridoxine HCl (B–6) 1.0 mgm. * * * Vitamin B–12 (cobolamin conc.) 3.0 mcgm. * * * Niacinamide 10.0 mgm. 100% Calcium Pantothenate 2.0 mgm. * * * Vitamin E (dl-A-Tocopheryl acid succinate) 6.0 Int. Units * * * Need in human nutrition not established. * * * Packed by Vitamin Div. Dwarfies Corp. Council Bluffs, Iowa."

RESULTS OF INVESTIGATION: The article was shipped in bulk drums as described above and after its receipt at Council Bluffs, Iowa was repacked by Dwarfies, Inc., into the bottles described above.

LIBELED: 5–5–60, S. Dist. Iowa.

CHARGE: 502(a)—while held for sale, the label statements "Miss Physical Fitness" and "Internationally Chosen 'Miss Physical Fitness'" and the vignette depicting a physically fit woman represented and suggested that the article would promote physical fitness and a properly proportioned figure, which statements and representations were false and misleading since they were contrary to fact.

The article was alleged also to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: 6–7–60. Default—destruction.