

The article was alleged to be adulterated in that imitation vanilla flavor containing resinous substances not found in genuine vanilla flavor had been substituted wholly or in part for pure vanilla flavor; in that inferiority had been concealed through the addition of foreign resins; and in that foreign resins had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

The article was alleged to be misbranded in that the statement "Pure Vanilla Flavor" was false and misleading as applied to an imitation vanilla flavor containing resinous substances not found in genuine vanilla flavor; in that it was offered for sale under the name of another food; and in that it was an imitation of another food and its label did not bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated.

On May 21, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2095. Adulteration and misbranding of vanilla extract. U. S. v. 40 Cases of Vanilla Extract. Default decree of condemnation and destruction. (F. D. C. No. 4316. Sample No. 21320-E.)**

This product contained resinous substances not found in genuine vanilla.

On April 12, 1941, the United States attorney for the Northern District of California filed a libel against 40 cases of vanilla extract at Sacramento, Calif., which had been shipped by S. E. Rykoff & Co., New York, N. Y., alleging that the article had been shipped in interstate commerce on or about March 17, 1941, from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: (Bottles) "8 Fl. Oz. Pure Extract Vanilla Plantation Extract Corp., New York, N. Y."

The article was alleged to be adulterated (1) in that imitation vanilla extract containing resinous substances not found in genuine vanilla extract had been substituted wholly or in part for "Pure Extract Vanilla"; (2) in that inferiority had been concealed through the addition of foreign resins; and (3) in that foreign resins had been added thereto or mixed or packed therewith so as to make it appear better or of greater value than it was.

It was alleged to be misbranded (1) in that the statement "Pure Extract Vanilla" was false and misleading as applied to an imitation vanilla extract containing resinous substances not found in genuine vanilla extract; (2) in that it was offered for sale under the name of another food; and (3) in that it was an imitation of another food and its label did not bear in type of uniform size and prominence the word "imitation" and, immediately thereafter, the name of the food imitated.

On May 23, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

### MISCELLANEOUS

**2096. Misbranding of bust developer. U. S. v. Myrtle E. Edwards (Elga Laboratories). Plea of guilty. Defendant placed on probation for 4 years. (F. D. C. No. 2115. Sample No. 5904-E.)**

This product was falsely represented to be a "normalizing food" that would develop the bust. Its label failed to bear the common or usual name of each ingredient, and it contained undeclared color.

On September 11, 1940, the United States attorney for the Northern District of California filed an information against Myrtle E. Edwards, trading as Elga Laboratories, at San Francisco, Calif., alleging shipment on or about January 29, 1940, from the State of California into the State of Ohio of a quantity of Elga Bust Developer that was misbranded.

The article was alleged to be misbranded in that the statements, "Elga Bust Developer. A Specialized normalizing Food designed to supplement nature, feeding systemically the sensitive, delicate, starved cells of immature, sagging or depleted breasts," borne on the bottle label were false and misleading in that they represented that the article would develop the bust; that it was a specialized normalizing food designed to supplement nature; and that it would feed systemically the sensitive, delicate, starved cells of immature, sagging, or depleted breasts; whereas it would not be effective for such purposes. It was alleged to be misbranded further in that it was fabricated from two or more ingredients, and its label did not bear the common or usual name of each of

such ingredients; and in that it contained artificial coloring and did not bear labeling stating that fact.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 370.

On February 4, 1941, a plea of guilty having been entered, the court placed the defendant on probation for a period of 4 years.

**2097. Adulteration and misbranding of Shores Ka-Vi-Min Tablets. U. S. v. 1½ Drums Containing 71,300 Tablets of Shores Ka-Vi-Min Tablets. Default decree of condemnation and destruction. (F. D. C. No. 3992. Sample No. 32805-E.)**

This product was labeled as containing 140 U.S.P. units of vitamin D and 25 International Units of vitamin B<sub>1</sub> per tablet; whereas it contained not more than 100 U.S.P. units of vitamin D and not more than 15 U.S.P. units of vitamin B<sub>1</sub> (1 U.S.P. unit of vitamin B<sub>1</sub> is equal to 1 International Unit of the same vitamin).

On March 14, 1941, the United States attorney for the Southern District of California filed a libel against 1½ drums of Shores Ka-Vi-Min Tablets at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about February 28, 1940, by the Shores Co. from Cedar Rapids, Iowa; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that valuable constituents, namely, vitamin B<sub>1</sub> and vitamin D, had been wholly or in part omitted or extracted therefrom. It was alleged to be misbranded in that the following statements were false and misleading, since each tablet did not contain 140 U.S.P. units of vitamin D or 25 International Units of vitamin B<sub>1</sub>: "Each tablet contains \* \* \* 140 U.S.P. units Vitamin D" and "25 International units Vitamin B<sub>1</sub>."

The article was also alleged to be adulterated and misbranded under the provisions of the law applicable to drugs, as reported in D.D.N.J. No. 356.

On April 14, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2098. Misbranding of Colloidal Dextro Calcium. U. S. v. 110 Bottles of Colloidal Dextro Calcium Bleything. Default decree of condemnation and destruction. (F. D. C. No. 3358. Sample No. 44102-E.)**

This product did not contain the amount of calcium suggested and indicated in its labeling but did contain sodium benzoate materially in excess of the amount declared.

On November 12, 1940, the United States attorney for the District of Colorado filed a libel against 110 bottles of the above-named product at Denver, Colo., which had been shipped by the Bleything Laboratories, alleging that the article had been shipped in interstate commerce on or about October 17, 1940, from Los Angeles, Calif.; and charging that it was misbranded.

The article was alleged to be misbranded in that the statements on the label "Colloidal Dextro Calcium Bleything \* \* \* Dosage: One teaspoonful three times daily before meals. May be taken in milk or fruit juices, if preferred. In pronounced cases dosage may be doubled for two weeks. Dosage for children is the same as for adults" were false and misleading since they created the impression that it would supply the consumer with a significant amount of calcium even in pronounced cases of calcium deficiency when used as directed, when, in fact, it would supply but a negligible amount of calcium. The article was alleged to be misbranded further, in that the statement on the label "less than 1/20 of 1% Sodium Benzoate" was false and misleading since it contained materially more than one-twentieth of 1 percent of sodium benzoate.

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

On November 26, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2099. Adulteration of cacao beans. U. S. v. 375 Bags of Cacao Beans. Consent decree of condemnation. Product ordered released under bond for cleansing and sorting. (F. D. C. No. 3124. Sample No. 16698-E.)**

This product was insect-infested, having been found to contain worm-cut beans, worms, excreta, and webbing.

On October 3, 1940, the United States attorney for the Western District of Missouri filed a libel against 375 bags of cacao beans at St. Joseph, Mo., alleging that the article had been shipped in interstate commerce on or about September 14, 1940, by Emil Pick from Jersey City, N. J.; and charging that