On August 28, 1941, the United States attorney for the District of New Jersey filed a libel against 59 dozen cartons of gelatin at Newark, N. J., alleging that the article had been shipped on or about June 17, 1941, by Peter Cooper's Gelatine from New York, N. Y.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading. The article was labeled in part: (Cartons) "Peter Cooper's Clarified Gelatine Jellies, Blanc Mange, Charlotte Russe * * * Net Weight 1½ Ozs."

On November 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local charitable organization.

2993. Adulteration of bonita livers. U. S. v. 122 Cans of Bonita Livers. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 5417. Sample No. 63538–E.)

Portions of this product were found to be decomposed and putrid.

On August 20, 1941, the United States attorney for the Western District of Washington filed a libel against 122 5-gallon cans of bonita livers at Seattle, Wash., alleging that the article had been shipped by Parke, Davis & Co. from San Francisco, Calif., on or about July 30, 1941; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed substance.

It also was alleged to be adulterated under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 560.

On September 10, 1941, Parke, Davis & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration. Subsequently all the cans containing the product were inspected and those found to be unfit were destroyed.

2994. Misbranding of Earles Vital Vim. U. S. v. 8 Cases of Wheat Germ. Default decree of condemnation and destruction. (F. D. C. No. 4770. Sample No. 47271–E.)

The labeling of this product contained false and misleading therapeutic claims.

On May 19, 1941, the United States attorney for the Northern District of Illinois filed a libel against 8 cases, each containing 24 18-ounce packages, of a product labeled "Earles Vital Vim * * * Pure Wheat Germ" at Chicago, Ill., alleging that the article had been shipped by W. H. Earles Co. on or about April 25, 1941; and charging that it was misbranded.

The article was alleged to be misbranded in that statements in the labeling which represented that it was efficacious to restore and maintain health and vigor; that it would be efficacious in the prevention and treatment of overweight, underweight, fatigue, colitis, constipation, neuritis, arthritis, stomach troubles, indigestion, high blood pressure, hardening of the arteries, and sleeplessness; that it would be efficacious to strengthen the digestive organs, assist intestinal activity, and bring about good digestion and proper assimilation; and that it would be efficacious to soothe the nerves and improve the circulation, tone the arteries, invigorate the heart muscles and normalize blood pressure; and ward off or prevent common colds or grip, were false and misleading since it would not be efficacious for such purposes.

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

On October 1, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2995. Misbranding of Lishus. U. S. v. 19 Cases of Lishus. Default decree of condemnation and destruction. (F. D. C. No. 4043. Sample No. 55692–E.).

This product was falsely labeled as an ideal baby food.

On April 11, 1941, the United States attorney for the District of Oregon filed a libel against 19 cases of Lishus at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about January 13, 1941, by Dr. Jackson Foods from Brooklyn, N. Y.; and charging that it was misbranded in