3423. Adulteration of chili peppers. U. S. v. 147 Bags of Chili Peppers (and 2 other seizure actions against chili peppers). Consent decrees of condemnation. Product released under bond for reconditioning. (F. D. C. Nos. 7015, 7036, 7135. Sample Nos. 92244–E to 92247–E, incl., 92260–E, 92261–E.)

Examination showed this product to be moldy.

On March 11, 13, and 31, 1942, the United States attorney for the Southern District of California filed libels against 384 bags of chili peppers at Vernon, Calif., and 128 bags of chili peppers at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about December 23, 1941, and January 22 and February 26, 1942, by Sixto Durate & Co. from Las Cruces, N. Mex.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance.

On April 1, 3, and 15, 1942, Gonzalez & Blanco, Los Angeles, Calif., claimant, having admitted the allegations of the libels, judgments of condemnation were 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.

"HEALTH" FOODS

3424. Misbranding of Bleything Concentrated Vegetable Compounds. U. S. v. 34 Packages of Concentrated Vegetable Compound Bleything Formula No. 201–A and 22 Packages of Concentrated Vegetable Compound Bleything Formula No. 201–B. Decrees of condemnation and destruction. (F. D. C. No. 5468. Sample Nos. 65836–E, 65837–E.)

These products, which consisted of 8-grain tablets of dried plant material and contained less than 1 grain and 1½ grain of total mineral constituents in the case of Formulas 201–A and 201–B, respectively, were offered for sale as dietary supplements.

On August 29, 1941, the United States attorney for the District of Colorado filed a libel against the above-named products at Denver, Colo., which had been consigned by Bleything Laboratories, alleging that the articles had been shipped on or about January 4 and May 4, 1941, from Los Angeles, Calif.; and charging that they were misbranded. They were labeled in part: "Concentrated Vegetable Compound Bleything Formula 201–A [or "201–B"] To Be Used As A Dietary Supplement Contains Alfalfa, Pumpkin And Mint [or "Lettuce, Turnip Greens, Endive And Celery"] Directions: 1 tablet 3 times daily."

The articles were alleged to be misbranded in that the statement on the label, "To Be Used As A Dietary Supplement," was false and misleading since when taken in accordance with the directions on the label, they would not supplement the diet in any substantial or significant respect.

They were also alleged to be misbranded under the provisions of the law applicable to drugs as reported in D. D. N. J. No. 632.

On October 17, 1941, Bleything Laboratories having signed an acceptance of service and authorization for taking a final decree, judgment of condemnation was entered and the product was ordered destroyed.

3425. Adulteration and misbranding of Coreco Vitamins A–B_1–G–D capsules. U. S. v. 512 Boxes of Coreco Vitamins A–B_1–G–D Capsules. Default decree of condemnation and destruction. (F. D. C. No. 6777. Sample No. 23110–E.)

Each of these capsules was represented to contain 50 International Units of vitamin B_1 and 1,000 U. S. P. units of vitamin D; whereas examination showed that they contained less than 12.5 International Units of vitamin B_1 and not more than 850 U. S. P. units of vitamin D.

On January 29, 1942, the United States attorney for the Northern District of California filed a libel against the above-named product at San Francisco, Calif., alleging that it had been shipped in interstate commerce on or about May 25, 1940, by the International Vitamin Corporation from New York, N. Y.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that valuable constituents, namely, vitamin B_1 and vitamin D, had been in whole or in part omitted or abstracted therefrom.

It was alleged to be misbranded in that the following statements were false and misleading since when taken in the dosage of 1 capsule per day, as directed, they would not furnish moderate amounts of vitamins B_1 and G: "Biologically Assayed and Standardized * * * each capsule contains not less than: