

On May 21, 1942, the L. H. Stewart Corporation, claimant, having admitted that the allegations of the libel were substantially correct, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

**3841. Misbranding of Vita-Port Vitamin B<sub>1</sub> Tonic. U. S. v. 141 Bottles of Vita-Port Vitamin B<sub>1</sub> Tonic. (F. D. C. No. 7539. Sample No. 87177-E.)**

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

On May 20, 1942, the United States attorney for the District of Columbia filed a libel against 141 bottles of Vita-Port Vitamin B<sub>1</sub> Tonic at Washington, D. C., alleging that the article was being offered for sale in the District of Columbia at the Super Cut Rate Drugs, Washington, D. C.; and charging that it was misbranded. It was labeled in part: "Each fluid ounce contains thiamine hydrochloride (Vitamin B<sub>1</sub>) . . . 4 mg. (Equivalent to 1330 International Units) Alcohol 20 Per cent."

The article was alleged to be misbranded in that the following statements in the labeling, "Here's Health \* \* \* Recommended for Underweight—Loss of Appetite Nervousness," were false and misleading since it would not be an effective treatment for such conditions.

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

On June 26, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3842. Misbranding of wheat embryo. U. S. v. 34 Cans of Wheat Embryo. Default decree of condemnation and destruction. (F. D. C. No. 6807. Sample No. 76077-E.)**

The labeling of this product represented that it contained from 9 to 10 units of vitamin B<sub>1</sub> per gram and that 1 tablespoonful was equivalent in vitamin content to 8 cakes of yeast; whereas it contained not more than 7 units of vitamin B<sub>1</sub> per gram and the vitamin content of 1 tablespoonful was not equal to that of 8 yeast cakes. Furthermore, it was deficient in protein and its labeling bore false and misleading therapeutic claims.

On February 6, 1942, the United States attorney for the District of Minnesota filed a libel against 34 cans of wheat embryo at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about February 27, 1941, by Freshman Vitamin Co. from Detroit, Mich.; and charging that it was misbranded. It was labeled in part: "Dr. Ray Wheat Embryo."

It was alleged to be misbranded (1) in that the statements, "Vitamin B<sub>1</sub> \* \* \* 9-10 Units per Gram (International) Protein—37% \* \* \* Carbohydrate (by difference) 48.5 \* \* \* Wheat Germ Oil \* \* \* 5.5," were false as applied to an article that contained a smaller amount of vitamin and protein content; (2) in that the statement, "Each Tablespoon of Dr. Ray 'Wheat Embryo' is equivalent in Vitamin B<sub>1</sub> Potency to approximately Eight Cakes of Regular Moist Compressed Yeast," was false since it would not furnish as much vitamin B<sub>1</sub> as is contained in 8 cakes of yeast; and (3) in that the statement on the label, "When indicated in Gastro-Intestinal Disorders, Dr. Ray Wheat Embryo should be cooked in with cereal for five minutes," was false and misleading, since it would imply that the article was of significant value in the treatment of all types of gastro-intestinal disturbances, when in fact, it was not.

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

On June 15, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

### FLAVORS AND SPICES

**3843. Misbranding of vanilla extract. U. S. v. 76 Dozen Cartons of Extract of Vanilla. Decree of condemnation. Product ordered released under bond for the purpose of repackaging. (F. D. C. No. 7511. Sample No. 73651-E.)**

The cartons containing this product were exceptionally large, the bottle occupying not more than 26.30 percent of the capacity of the carton.

On or about May 18, 1942, the United States attorney for the Western District of Missouri filed a libel against 76 dozen cartons of extract of vanilla at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about October 29, 1941, and January 27, 1942, by the Twenhofel Manufacturing

Co. from Kansas City, Kans.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading.

On May 25, 1942, the Twenhofel Manufacturing Co. having appeared as claimant, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be repackaged in suitable and proper containers under the supervision of the Food and Drug Administration.

**3844. Adulteration of chili peppers. U. S. v. 21 Bags of Mexican Chili Peppers. Default decree of condemnation and destruction. (F. D. C. No. 7186. Sample No. 71821-E.)**

This product had been stored, after its receipt in interstate commerce, in a rodent-infested storehouse, some of the bags and their contents had been chewed by rodents, and rodent hairs and pellets were found on the peppers.

On April 14, 1942, the United States attorney for the Western District of Tennessee filed a libel against 21 bags of chili peppers at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about December 1, 1941, from Los Angeles, Calif., and was in possession of Canova Foods, Inc. Memphis, Tenn.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. It was labeled in part: (Tag) "To: Canova Foods Inc. 400 Tenn. Memphis, Tenn."

On May 18, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3845. Adulteration of spices and adulteration and misbranding of celery seed. U. S. v. 77 Cases of Ground Black Pepper, et al. Default decree of condemnation and destruction. (F. D. C. No. 7409. Sample Nos. 71962-E to 71968-E, incl.)**

Rodent hairs, insect fragments, rodent pellet fragments, and feather fragments were found in samples taken from these products. The celery seed was also short of the declared weight.

On April 30, 1942, the United States attorney for the Eastern District of Arkansas filed a libel against 77 cases of ground black pepper, 7 cases of chili powder, 5 cases of celery seed, 8 cases of ground cinnamon, 5 cases of ground cloves, and 9 cases of ground ginger at Little Rock, Ark., alleging that they had been shipped in interstate commerce on or about February 26, 1942, by Canova Foods, Inc., from Memphis, Tenn. The articles were labeled in part "Canova Brand."

They were alleged to be adulterated in that they consisted in whole or in part of filthy substances; and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

The celery seed was alleged to be misbranded (1) in that the statement on the can, "1½ Ozs. Net Weight," was false and misleading as applied to an article that was short weight; and (2) in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On July 6, 1942, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

**3846. Adulteration and alleged misbranding of mustard and mustard bran. U. S. v. 93 Dozen Jars of Mustard and Mustard Bran. Default decree of condemnation and destruction. (F. D. C. No. 7436. Sample No. 87958-E.)**

In addition to containing rodent hair, this product also was found to be short of the declared weight.

On or about May 9, 1942, the United States attorney for the Eastern District of Tennessee filed a libel against 93 dozen 32-ounce jars of mustard and mustard bran at Johnson City, Tenn., alleging that the article had been shipped in interstate commerce on or about March 5, 1942, by Siler Brokerage Co. from Bristol, Va.; and charging that it was adulterated and misbranded. It was labeled in part: (Jars) "Four Star Mustard and Mustard Bran \* \* \* Manufactured by Dee's Foods Inc. Bristol, Va.-Tenn."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy, putrid, or decomposed substance, or was otherwise unfit for food; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with a filthy, putrid, or decomposed substance, so as to make it unfit for consumption as food.

It was alleged to be misbranded in that it was labeled "Contents 32 Oz. Net Wt."; whereas each jar of the mustard did not contain 32 ounces net weight.