

It was alleged to be misbranded in that the statements regarding its vitamin content appearing on the label were false and misleading in that they represented and suggested that it contained not less than 12,750 International Units of vitamin A per ounce and not less than 1,800 International Units of vitamin D per ounce, and that three teaspoonfuls or 10 grams would provide the minimum requirement of vitamins A and D (and in one of the two shipments of B<sub>1</sub> and G also), whereas it contained substantially less than 12,750 International Units of vitamin A per ounce, i. e., the two shipments contained not more than 3,200 and 8,000 units, respectively, of vitamin A per ounce, and contained substantially less than 1,800 International Units of vitamin D per ounce, i. e., the two shipments contained not more than 360 units and 900 units, respectively, of vitamin D, and three teaspoonfuls or 10 grams of vitamin-enriched organic sea food per day would not provide the minimum requirement of vitamins A or D (or, as claimed with respect to one of the two shipments, of vitamins B<sub>1</sub> and G).

The article labeled "O. S. F. Vitamin Tablets" was alleged to be adulterated in that certain valuable constituents, namely, vitamins A and C had been in whole or in part omitted or abstracted from it.

It was alleged to be misbranded in that the statements regarding its vitamin content appearing on the label were false and misleading since they represented and suggested that the minimum vitamin content per 3½ grams or 7 tablets was not less than 8,000 International Units of vitamin A and not less than 600 International Units of vitamin C, whereas its minimum vitamin content per 3½ grams or 7 tablets was substantially less than represented, namely, not more than 127 International Units of vitamin A and not more than 283 International Units of vitamin C per 3½ grams or 7 tablets.

On June 27, 1942, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$150.

**4244. Adulteration and misbranding of Asco Wheat Puffs. U. S. v. Jenks Food Co. Plea of nolo contendere. Fine \$25. (F. D. C. No. 7227. Sample No. 59067-E.)**

On July 8, 1942, the United States attorney for the Eastern District of Pennsylvania filed an information against Jenks Food Co., a corporation, Chester, Pa., alleging shipment on or about September 30, 1941, from the State of Pennsylvania into the State of Maryland of a quantity of Asco Wheat Puffs which were adulterated and misbranded. The article was labeled in part: "New Vitamin Showered Enriched With 360 U. S. P. XI Vitamin D Per Ounce of Cereal."

It was alleged to be adulterated in that a valuable constituent, vitamin D, had been in part omitted or abstracted therefrom.

It was alleged to be misbranded (1) in that the statement "Enriched With 360 U. S. P. XI Vitamin D Per Ounce of Cereal" was false and misleading since it contained not more than 180 U. S. P. XI units of vitamin D per ounce, and (2) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

On October 12, 1942, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$25.

**4245. Adulteration and misbranding of coconut milk. U. S. v. 70 Cans Radcliffe's Famous Soya Products. Default decree of condemnation and destruction. (F. D. C. No. 7136. Sample No. 63220-E.)**

This product was a white powder having an odor and flavor of coconut and containing insect fragments and rodent hairs. The ingredient and net weight statements were inconspicuous.

On April 7, 1942, the United States attorney for the Western District of Washington filed a libel against 70 cans of Radcliffe's Famous Soya Products at Seattle, Wash., alleging that the article had been shipped in interstate commerce within the period from on or about October 4 to November 24, 1941, by Radcliffe's Famous Soya Products from San Francisco, Calif.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

It was alleged to be misbranded (1) in that the statements on the can label, "Famous Soya Products Energy Strength Vitality Tropical Coconut Milk Rich in Vitamins and Minerals Radcliffe's Coconut Milk \* \* \* For Health Building. Especially indicated for sufferers from Colitis, Under Weight, Weak Stomach, Stomach Ulcers, Nerve Exhaustion, Sleeplessness, Convalescents," were false and misleading since it was not a famous soya product, was not coconut milk, was not rich in vitamins and minerals, and was not especially

indicated in the conditions described; (2) in that it was fabricated from two or more ingredients and its label failed to bear prominently placed thereon the common or usual name of each ingredient and an accurate statement of the quantity of the contents with such conspicuousness (as compared with other words and statements on the label) as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use; and (3) in that it did not purport to be and was not represented as a food for which a definition and standard of identity had been prescribed by regulations promulgated pursuant to law and its label failed to bear the common or usual name of the food.

On July 27, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4246. Adulteration and misbranding of Hemo. U. S. v. 19 Cases of Borden's Hemo. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 8022. Sample No. 7303-F.)**

On August 1, 1942, the United States attorney for the District of Minnesota filed a libel against 19 cases of the above named product at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about April 10 and June 25, 1942, by the Borden Co. from Waukesha, Wis.; and charging that it was adulterated and misbranded. The article was labeled in part: "Borden's Hemo Vitamin and Mineral Fortified Preparation for Malted Drinks (Chocolate Flavored)."

It was alleged to be adulterated in that the valuable constituents, calcium and phosphorus, had been in whole or in part abstracted or omitted therefrom.

It was alleged to be misbranded in that the statements on the label "Composition by Assay of Chocolate Flavored Hemo per Ounce \* \* \* Calcium 0.564 Gram, Phosphorus 0.690 Gram \* \* \* Each serving ( $\frac{2}{3}$  ounce or 2 heaping teaspoonfuls) contains approximately one-half of the daily minimum requirements of adults for \* \* \* calcium, phosphorus," were false since it contained less than 0.564 gram of calcium per ounce and less than 0.690 gram of phosphorus per ounce, and each serving of  $\frac{2}{3}$  ounce or 2 heaping teaspoonfuls would contain less than one-half of the minimum daily requirements of adults for calcium and phosphorus.

It was alleged to be misbranded further in that certain statements in the labeling which represented that it is practically impossible to obtain sufficient vitamins and minerals except through the use of the article or a similar one; that convalescents, children, old people, dieting women, and others could assure themselves of their quota of essential vitamins and minerals by its use; that greater vigor and vitality would be the result of its use; and that low resistance, frequent colds, impaired nerves, poor appetite, poor digestion, low energy, faulty bone structure, poor teeth, general weakness, low vitality, nutritional anemia, paleness, and poor bones could be prevented or corrected by its use, were false and misleading since it is not practically impossible to obtain sufficient vitamins and minerals except through the use of such an article, and its use would not produce the results claimed in such statements.

On September 15, 1942, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable institution.

**4247. Misbranding of Vita Might capsules. U. S. v. 9 Packages of Vita Might Capsules and 2 Cartons of Circulars. Default decree of condemnation and destruction. (F. D. C. No. 7509. Sample Nos. 80174-E, 80175-E.)**

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated hereinafter. A portion (black capsules) contained smaller amounts of minerals than declared.

On May 14, 1942, the United States attorney for the Northern District of Ohio, filed a libel against 9 packages of Vita Might Capsules, and 2 cartons each containing approximately 1,500 circulars entitled "What Vitamins on the Job Can Do for You," at Cleveland, Ohio; alleging that the article had been shipped in interstate commerce on or or about February 28, 1942, by the Vita Foods Corporation from Chicago, Ill.; and charging that it was misbranded.

Examination showed that the product consisted of red capsules containing vitamins and black capsules containing minerals. Analysis of a sample of the black capsules showed that they contained dicalcium phosphate, peptonized iron, magnesium sulfate, manganese hypophosphite, copper peptonate, zinc sulfate, and potassium iodide. Vitamin assays of the red capsules showed that they con-