

had been shipped in interstate commerce on or about November 27, 1942, by the Dina-Mite Food Co. from Spokane, Wash.; 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, a preparation of wheat, flax, and bran contaminated with rodent hairs and rodent excreta.

It was alleged to be misbranded in that the statements appearing on the label, "Good for Children * * * real muscle and blood-building elements with all the proteins, carbohydrates, minerals and bulk * * * Natural Laxative Food for Young and Old * * * Kiddies won't need coaxing to eat Dina-Mite * * * 'This is the only cereal of which the children ask for a second helping. Its a treat to them'," were false and misleading, since such statements failed to reveal the material facts that the roughage material which was contained in the article might be harmful to children and to old people by causing injury to the gastro-intestinal tract, and that the article contained no muscle and blood-building elements, proteins, carbohydrates, or minerals not found in the ordinary diet.

The article was alleged to be misbranded further in that it was represented as a food for special dietary uses by reason of the statement in its label, "* * * Vitamin B₁ * * * Natural Laxative Food for Young and Old * * * Good for Children * * * real muscle and blood building elements with all the proteins, carbohydrates, minerals and bulk," and its label failed to bear such information concerning its vitamin, mineral, and other dietary properties as had been prescribed by regulations and determined to be necessary in order to inform the purchaser fully as to its value for such uses, since the label did not declare all the special dietary properties upon which the special dietary use was based, i.e., the particular minerals and the presence of the non-nutritive substance, crude fiber, or the amount of such minerals and crude fiber, or a statement of the proportion of the minimum daily requirement for Vitamin B₁ supplied by the food when consumed in a specified quantity during a period of 1 day, as prescribed by the regulations.

On April 9, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5091. Adulteration and misbranding of Wheatmix. U. S. v. 534 Cartons of Wheatmix. Default decree of condemnation and destruction. (F. D. C. No. 9379. Sample No. 3226-F.)

On February 19, 1943, the United States attorney for the District of Nebraska filed a libel at Omaha, Nebr., against 534 cartons, each containing 1 $\frac{3}{4}$ pounds, of an article labeled in part "Dwarfies Wheatmix," alleging that the article had been shipped in interstate commerce or on or about January 29, 1943, by the Dwarfies Corporation from Council Bluffs, Iowa, and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that it consisted in part of filthy substances, rodent excreta, rodent hairs, larvae, and insect parts.

It was alleged to be misbranded in that the statement "25 Times More Vitamin-Rich Wheat Germ Than Whole Wheat," appearing on the label, was false and misleading since the article contained not more than nine times the wheat germ content of whole wheat. It was alleged to be misbranded further in that it was represented for special dietary use by reason of its vitamin B₁, vitamin E, vitamin A, vitamin B₂, iron, copper, calcium, iodine, and phosphorus content, and the label failed to bear such information concerning its vitamin and mineral properties as had been determined to be, and prescribed by regulations as necessary in order to fully inform the purchasers as to its value for such use, since its label failed to bear, as the regulations require, a statement of the proportion of the minimum daily requirement of vitamin A, vitamin B₁, vitamin B₂, iron, calcium, iodine, and phosphorus, and the amount of vitamin E and copper supplied by the quantity of said article customarily or usually consumed during the period of 1 day, or a quantity reasonably suitable for and practicable of consumption within such period; and it failed to bear a statement that the need for vitamin E in human nutrition had not been established.

On April 6, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5092. Misbranding of wheat germ. U. S. v. 24 Cases of Wheat Germ. Consent decree of condemnation and destruction. (F. D. C. No. 9373. Sample No. 2555-F.)

On February 15, 1943, the United States attorney for the District of Kansas filed a libel against 24 cases, each containing 12 20-ounce jars, of wheat germ at Kansas City, Kans., alleging that the article had been shipped in interstate com-

merced on or about January 22, 1943, by the Bita-Life Co. from Council Bluffs, Iowa; and charging that it was misbranded. The article was labeled in part: "Bita-Life Toasted Wheat Germ * * * Net Wt. 20 Oz."

The article was alleged to be misbranded in that the statements, "Lowered vitality, nervousness, lack of energy. For new PEP, new ENERGY, new VITALITY," appearing on the labeling was false and misleading since they represented and suggested to the mind of the reader the impression and belief that the article, when consumed as directed, would prevent or correct such conditions as lowered vitality, nervousness, and lack of energy and would supply new pep, new energy, and new vitality, whereas it would not be efficacious for such purposes. It was alleged to be misbranded further in that it purported to be and was represented as a food for special dietary use, by reason of its vitamin B₁ vitamin B₂, vitamin E, niacin, phosphorus, iron, and calcium content, and its label failed to bear such information concerning its vitamin and mineral properties as had been declared to be and prescribed by regulations as necessary in order fully to inform purchasers as to its value for such uses, since its label failed to bear, as the regulations require, a statement of the proportion of the minimum daily requirement of vitamin B₁, vitamin B₂, phosphorus, calcium, and iron, and the amount of vitamin E and niacin supplied by the quantity of the article customarily or usually consumed during the period of 1 day, or a quantity reasonably suitable for and practicable of consumption within such period; and it failed to bear a statement that the need for vitamin E in human nutrition had not been established.

On March 5, 1943, the Bita-Life Co., claimant, having entered its voluntary appearance and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

5093. Adulteration and misbranding of Vi-Chocolin Delicious Vitamin Preparation. U. S. v. 10 Dozen Packages of Vi-Chocolin Delicious Vitamin Preparation. Default decree of condemnation and destruction. (F. D. C. No. 9103. Sample No. 21741-F.)

On January 4, 1943, the United States attorney for the Western District of Pennsylvania filed a libel against the above-named product at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about September 11, 1942, by the Vitamin-Erg Co., Inc.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that valuable constituents, vitamins A and D, had been in whole or in part omitted therefrom.

It was alleged to be misbranded in that the statements, (label) "Each package Contains Vitamin A 4,000 U. S. P. Units * * * Vitamin D 400 U. S. P. Units," and (display carton) "Each One-ounce Bar contains Daily Requirement of * * * Vitamin A 4,000 U. S. P. Units * * * Vitamin D 400 U. S. P. Units," were false and misleading since each package of the article did not contain 4,000 U. S. P. units of vitamin A or 400 U. S. P. units of vitamin D, and each 1-ounce bar did not contain the daily requirement of vitamins A and D. It was alleged to be misbranded further in that the statements on the display carton, "Each one-ounce Bar Contains Daily Requirement of the Five Essential Vitamins," and "Each package of Vi-Chocolin will give you Vitamin B₂ as much as 8 eggs, or 8 glasses of milk or ¾ lb. of American Cheese Vitamin C as much as ½ orange or ½ large lemon or 2 glasses of pineapple juice Vitamin A as much as in 4 eggs or 7 oz. of American cheese or 15 glasses of milk Vitamin B₁ as much as in 1¾ lbs. of lean beef or 13½ oz. of fresh lima beans or 12 slices of 100% whole wheat bread," and designs picturing the various foods referred to, were misleading since they represented and suggested that the article contained all of the vitamins essential in normal nutrition and would provide the same nutritional factors as would consumption of the various food products with which it was compared, whereas it did not contain all of the vitamins essential to normal nutrition and would not provide the same nutritional factors as would consumption of the various food products with which it was compared; and such statements and designs were further misleading since they failed to reveal the material fact that the food products with which comparison was made contained many different nutritional factors and that it was unnecessary to rely upon the consumption of any single food as a particular dietary factor.

On March 22, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5094. Adulteration and misbranding of Be Plex. U. S. v. 47 Bottles of Be Plex Vitamin B Complex with Minerals and Iron. Default decree of condemnation. Product ordered destroyed. (F. D. C. No. 7393. Sample No. 71700-E.)

On April 23, 1942, the United States attorney for the Eastern District of Missouri filed a libel against the above-named product at St. Louis, Mo., alleging ship-