

ment in interstate commerce on or about June 18, 1941, by the Oxford Products Co., from Cleveland, Ohio.

Biological examination of the article showed that it contained not more than 330 International units of vitamin B₁ per fluid ounce, whereas the label claimed 660 International units per fluid ounce.

The article was alleged to be adulterated in that a valuable constituent, vitamin B₁, had been in whole or in part omitted or abstracted therefrom.

It was alleged to be misbranded in that the following statements, "Valuable (in cases of vitamin deficiency) as an aid to promote appetite and in protecting the body from nerve disorder * * * Each fluid ounce contains: Vitamin B₁ 660 Int. Units * * * Indicated in certain cases of retarded growth, constipation, migraine headaches, and helpful promotion of greater vigor, functional digestion and wholesomeness of the skin. In cases of nutritional anemia as an aid to the formation of Red Blood Corpuscles," were false and misleading, since when used as directed the article would not be of any substantial value for such purposes.

The product was also alleged to be adulterated and misbranded as reported in Drugs and Devices Notices of Judgment.

On December 7, 1942, no claimant having appeared, a decree of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS FOOD PRODUCTS

GIFT PACKAGES *

5095. Adulteration and misbranding of packages of assorted fruits and gift packages containing assorted fruits, candy, nuts, and preserves. U. S. v. 11½ Dozen Packages of Assorted Fruits (and 3 additional seizure actions against packages of assorted fruits and gift packages). Default decrees of condemnation and destruction. (F. D. C. Nos. 9517, 9518, 10004, 10116. Sample Nos. 7121-F, 37130-F, 37676-F, 37677-F, 37683-F to 37685-F, incl.)

Between March 9 and June 19, 1943, the United States attorneys for the Eastern District of Missouri, the District of Columbia, and the Eastern District of Michigan filed libels against 11½ dozen packages of assorted fruits at St. Louis, Mo., 45 gift packages containing an assortment of fruit, candy, nuts, and preserves at Washington, D. C., and 71 dozen packages of assorted fruits and 11 dozen packages of assorted fruits and nuts at Detroit, Mich., alleging that the articles had been shipped in interstate commerce within the period from on or about February 11 to May 12, 1943, by the Golden Brand Nut Products, Inc., from New York, N. Y.; and charging that they were adulterated and misbranded. Portions of the assorted fruits were labeled in part: "The Finest Grown-Best Known Assorted Fruits."

The assorted fruits and fruit paste and prune paste in the gift packages were alleged to be adulterated in that they consisted in whole or in part of filthy substances by reason of the presence therein of one or more of the following: Larvae and insect fragments, rodent hairs, hairs resembling rodent hairs, and beetles. The lots located at Detroit were alleged to be adulterated further in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

The lot of assorted fruit located at St. Louis, Mo., was alleged to be misbranded in that the statement in the list of the ingredients; "Finest Shelled Nuts," was false and misleading since there were no nuts present in the packages. The packages located at Washington, D. C., were alleged to be misbranded in that their containers were so made, formed, and filled as to be misleading, since the nut tray was elevated above the bottom of the box and the empty space under the tray was not visible from the top; the bottom of the main box was unnecessarily thick and the higher-priced nuts were packed in the top of the tray where they were visible.

Between April 6 and July 16, 1943, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

5096. Adulteration of gift packages. U. S. v. 121 Boxes containing Cakes, Candy, Raisins, and 2 Jars of Jelly. Default decree of condemnation. Product ordered disposed of as hog feed. (F. D. C. No. 9178. Sample No. 15734-F.)

On January 14, 1943, the United States attorney for the District of Utah filed a libel against 121 boxes containing cakes, candy, raisins, and 2 jars of jelly at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce on or about December 17, 1942, by R. L. Albert & Son, Inc., from New York, N. Y.; and charging that it was adulterated.

The jelly was alleged to be adulterated in that it consisted in whole or in part of a filthy substance, hairs resembling rodent hairs and nondescript dirt. All products were alleged to be adulterated in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

* See also. Nos. 4950 and 4951, for gift packages containing candy as the only food product.