5596. Adulteration and misbranding of soy milk. U. S. v. 16 Cases of Soy Milk. Default decree of condemnation and destruction. (F. D. C. No. 9834. Sample No. 44704–F.)

This product was represented on its label as containing 0.5 gram of calcium, 0.5 gram of phosphorus, and 7.5 milligrams of iron per pint. Examination of a sample showed that it contained not more than 0.24 gram of calcium, 0.21 gram of phosphorus, and 3.78 milligrams of iron per pint.

On April 22, 1943, the United States attorney for the Southern District of New York filed a libel against 16 cases, each containing 12 1-pint cans, of Battle Creek Soy Milk, alleging that the article had been shipped in interstate commerce on or about March 5, 1943, by the Battle Creek Food Company from Battle Creek, Mich.; and charging that it was adulterated and misbranded. The article was labeled in part: "Ingredients: Water, Soy Beans, Tri-Calcium Phosphate, Hydrogenated Soy Oil, Lactose, Iodized Salt, Saccharated Iron (ferric oxide), Carotene, Ascorbic Acid, Riboflavin, Vitamin D (activated ergosterol in oil), Vitamin B_1 (Thiamin Hydrochloride)."

The article was alleged to be adulterated in that valuable constituents, calcium, phosphorus, and iron, had been in whole or in part omitted or abstracted.

It was alleged to be misbranded in that the statements "An 8 ounce glass (½ pint) Battle Creek Soy Milk furnishes the following percentages of the minimum daily requirements: * * * Iron (Fe) for an adult 33⅓% Iron (Fe) for a child 1–6 50% Iron (Fe) for pregnancy and lactation 25% Calcium (Ca) and Phosphorus (P) for any person 33⅓% Calcium (Ca) and Phosphorus (P) for pregnancy and lactation 16⅔%," were false and misleading as applied to a product that did not furnish, in each eight ounce glass (½ pint), the percentage amounts of the minimum daily requirements of iron, calcium, and phosphorus stated; and in that the name "Soy Milk" was false and misleading when applied to a product which consisted of water, soy beans, tri-calcium phosphate, and the other ingredients specified on the label.

On June 10, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5597. Misbranding of Williams anti-gray hair vitamin. U. S. v. 11 Dozen Pint Bottles and 39⅙ Dozen 3-Ounce Bottles of Williams Anti-Gray Hair Vitamin. Default decree of destruction. (F. D. C. No. 8620. Sample No. 7855–F.)

Examination showed that this product contained approximately 80 milligrams of calcium pantothenate per fluid ounce.

On October 22, 1942, the United States attorney for the District of Minnesota filed a libel against 11 dozen pint bottles and 39⅙ dozen 3-ounce bottles of Williams anti-gray hair vitamin at various drug stores in St. Paul and Minneapolis, Minn., alleging that the article, which had been consigned by the Williams S. L. K. Laboratories, had been shipped in interstate commerce on or about August 24 and September 1 and 21, 1942, from Milwaukee, Wis.; and charging that it was misbranded.

The article was alleged to be misbranded in that the statements appearing in its labeling which represented and suggested that it was effective in restoring the natural color to gray hair, and that there was scientific evidence that it was effective for such purposes in a substantial majority of the cases in which it was used, were false and misleading since the article was not so effective and there was no scientific evidence which demonstrated that it was effective for such purpose.

On December 10, 1942, no claimant having appeared, judgment was entered ordering the destruction of the product.

5598. Misbranding of Alberty vitamin-mineral capsules. U. S. v. 34 Packages of Alberty Vitamin-Mineral Capsules. Decree of condemnation and destruction. (F. D. C. No. 8427. Sample No. 22906–F.)

This product contained two different-colored capsules, one designated as "Dark" and one designated as "Tan." The dark capsules were represented as containing specified amounts of vitamins A, B_1, G, C, D and E, and the tan capsules were represented to contain specified amounts of various minerals.

On September 28, 1942, the United States attorney for the Eastern District of Pennsylvania filed a libel against 34 packages, each containing 150 Alberty vitamin-mineral capsules, at Philadlephia, Pa., alleging that the article had been shipped on or about April 7, 1942, from Hollywood, Calif., by Alberty Food Products; and charging that it was misbranded in that the statements appearing in its labeling representing that the dark capsules contained vitamins and that the tan capsules contained minerals were false and misleading, since the dark capsules did not contain vitamins but contained minerals and the tan capsules did not contain minerals but did contain vitamins.