DISPOSITION: July 7, 1943. The Nix Cosmetics Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

6399. Misbranding of Post's Cera-Co. U. S. v. 47 Cases of Post's Cera-Co. Default decree of condemnation and destruction. (F. D. C. No. 10468. Sample No. 42562-F.)

LIBEL FILED: August 28, 1943, Eastern District of Washington.

ALLEGED SHIPMENT: On or about May 10, 1943, by the O. B. Gufler Co., from Portland, Oreg.

PRODUCT: 47 cases, each containing 36 1-pound bags, of Post's Cera-Co at Walla Walla, Wash. Each bag contained a small circular entitled "How To Enjoy Cera-Co."

LABEL, IN PART: "Post's Cera-Co A Blend of High Grade Coffee Extract, Rye, Wheat and Chicory * * * Manufactured For and Distributed By Post Quality Foods Co. San Francisco-Los Angeles, California."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement on the bag, "A Blend of High Grade Coffee Extract, Rye, Wheat and Chicory," was misleading as applied to the article, which was a mixture of rye, wheat, and chicory, containing little or no coffee extract; the statement in an accompanying circular, "To make Coffee go farther," was misleading as applied to an article having none of the characteristic properties of coffee; the statements in the circular, "The combined use of Vitamins B-1 and Niacin is extremely beneficial to persons troubled with pellagra, allergies, nervousness, nutritional deficiency, sclerosis, diabetes, general weakness, poor appetitie, gastric and intestinal disturbances, decreased peristalsis and poor lactation * * * thus greatly benefits your health and vitality," were misleading since the product would not be of value in the treatment of such conditions; and, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its vitamin content, and its label failed to bear, as the regulations require, a statement of the proportion of the minimum daily requirements for such vitamins supplied by the food when consumed in a specified quantity during a period of 1 day.

DISPOSITION: December 9, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6400. Misbranding of vegetable tablets. U. S. v. 140 Packages of Vegetable Tablets. Default decree of condemnation and destruction. (F. D. C. No. 10457. Sample No. 787-F.)

LIBEL FILED: August 24, 1943, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about March 16, 1943, by Patten Concentrates, Inc., Burbank, Calif.

PRODUCT: 140 packages, each containing 500 vegetable tablets, at Battle Creek, Mich.

This article was in the form of tablets composed essentially of dried vegetable tissue, including kelp.

LABEL, IN PART: "Health House Brand Vegetable Tablets Supplies Essential Minerals from Eleven Vegetables."

VIOLATIONS CHARGED: Misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its mineral content, and its label failed to bear such information concerning its mineral properties as has been determined to be and by regulations prescribed as necessary in order fully to inform purchasers as to its value for such uses, since its label did not bear a statement of the minerals contained therein, nor the proportions of the minimum daily requirements for each mineral supplied by such food; and, Section 403 (a), the words "Vegetable Tablets," "powdered vegetables," and "minerals from eleven vegetables," which appeared on the label, were false and misleading as applied to an article containing nonvegetable kelp.

DISPOSITION: September 17, 1943. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.