

bring you back' [picture of tree bearing papaya fruit] * * * made from the Tropical Melon, Papaya, including skin pulp and seeds * * * So rich in Natural Vitamins * * * C," were false and misleading as applied to an artificially flavored beverage containing no papaya pulp, seeds, or skin, nor characteristic papaya flavor, and providing a relatively inconsequential amount of vitamin C; and the label statements which represented and suggested that the article would be effective in the treatment, relief, or correction of indigestion, gastric disorders, irritated throats, children disorders, "morning after" disaster, stomach disorders, sore throat, eczema, acidosis, and many other ailments, were false and misleading since the article would not be effective in the treatment, relief, or correction of those conditions and diseases.

Misbranding (repacked lot), Section 403 (a), the following statements appearing on the labels furnished by the shipper and attached to the bottles containing the article, "A Tropical Fruit Beverage Concentrate containing the entire Papaya—pulp, * * * skin and seeds * * * As an aid to digestion or gastric disturbance," were false and misleading since the article did not contain the pulp, skin, or seeds of papaya and would not be effective as an aid to digestion or gastric disturbances.

Further misbranding (all lots), Section 403 (k), the article contained artificial flavor and failed to bear labeling stating that fact.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices.

DISPOSITION: August 21, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

8300. Misbranding of CeKelp. U. S. v. 35 Bottles of CeKelp and a Number of Circulars. Default decree of condemnation and destruction. (F. D. C. No. 16649. Sample No. 2656-H.)

LABEL FILED: On or about July 5, 1945, Southern District of West Virginia.

ALLEGED SHIPMENT: By the Dental Research Co., from St. Petersburg, Fla. The CeKelp and some of the circulars were shipped on or about February 15, 1945, and the other circulars were shipped at earlier dates.

PRODUCT: 35 bottles, each containing 500 5-grain tablets, of CeKelp at Huntington, W. Va.; also a number of circulars entitled, "Goiter," "Arthritis," "The Anemias," "The Common Cold," and "Ce-Kelp in Sickness and Health." Examination showed that the product consisted essentially of compressed powdered kelp.

LABEL, IN PART: (Bottles) "CeKelp a Vegetable Sea Food Kelp."

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; but its label failed to bear, as required by the regulations, the names of the specific minerals and a statement of the minimum daily requirements of each mineral furnished by a specified quantity of the article when consumed during a period of 1 day.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices.

DISPOSITION: August 8, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.