

**ALLEGED SHIPMENT:** Between the approximate dates of July 3 and August 21, 1944, from the State of Pennsylvania into the States of Georgia and Florida.

**LABEL, IN PART:** (Portion) "Kohman's Salt Rising Yeast."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insect fragments, whole insects, larvae, and a rodent hair; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** October 17, 1945. A plea of guilty having been entered, the defendant was fined \$150 and costs.

**9176. Adulteration of ice cream mix. U. S. v. Billings Dairy, Inc. Plea of guilty. Fine, \$200. (F. D. C. No. 15537. Sample Nos. 69320-F, 85813-F, 85815-F.)**

**INFORMATION FILED:** June 12, 1945, District of Montana, against the Billings Dairy, Inc., Billings, Mont.

**ALLEGED SHIPMENT:** June 17 and August 20 and 21, 1944, from the State of Montana into the State of Wyoming.

**LABEL, IN PART:** "Billings Dairy Inc. Ice Cream."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of nondescript dirt, threads, vegetable fiber, feather barbules, and metal particles; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** June 22, 1945. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$200.

**9177. Misbranding of ice cream mix. U. S. v. 20 Cartons of Londonderry Ice Cream Mix. Default decree ordering that the product be distributed to charitable institutions. (F. D. C. No. 15606. Sample No. 29223-H.)**

**LIBEL FILED:** March 10, 1945, District of Utah.

**ALLEGED SHIPMENT:** On or about February 10, 1945, by Londonderry, from San Francisco, Calif.

**PRODUCT:** 20 cartons, each containing 48 packages, of Londonderry ice cream mix.

**LABEL, IN PART:** "Londonderry for making Ice Cream at Home."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statements, "Make it in 2 Minutes' Then Freeze—That's All Enough for 4 Pts \* \* \* for making Ice Cream at Home \* \* \* Makes all flavors Ice Cream as low as 11 cents a pint \* \* \* In Two Minutes," were false and misleading as applied to the article, which was conspicuously represented as having components of ice cream, but which failed to reveal with equal conspicuousness the fact that it was only a stabilizer and that the expensive ingredients must be furnished by the purchaser; and, Section 403 (k), the article contained artificial flavoring and it failed to bear labeling stating that fact.

**DISPOSITION:** May 12, 1945. No claimant having appeared, judgment was entered and the product was ordered distributed to charitable institutions.

#### VITAMIN PREPARATIONS AND FOODS FOR SPECIAL DIETARY USES

**9178. Misbranding of Diet Supplements No. 4B and No. 10. U. S. v. Dr. Pierre A. Bonquet (Dr. P. A. Bonquet Products). Plea of not guilty. Verdict of guilty. Fine, \$300. Sentence of 1 year in jail suspended and defendant placed on probation for 3 years. (F. D. C. No. 14277. Sample Nos. 62752-F, 81335-F.)**

**INFORMATION FILED:** March 10, 1945, Southern District of California, against Dr. Pierre A. Bonquet, doing business as Dr. P. A. Bonquet Products, Los Angeles, Calif.

**ALLEGED SHIPMENT:** On or about March 25 and April 6, 1944, from the State of California into the States of Missouri and Kansas.

**PRODUCT:** Examination indicated that the products were aqueous, sirupy suspensions containing large amounts of reducing sugars and smaller amounts of dissolved and undissolved proteinaceous matter, lactic acid, calcium, iron, chloride, phosphate, and a trace of manganese.

**NATURE OF CHARGE:** *Diet Supplement No. 4B.* Misbranding, Section 403 (a), certain statements on the label and in an accompanying circular entitled "A Reconstruction Diet With Vital Raw Organs From Healthy Animals" were false and misleading since they represented and suggested that the article contained a nutritionally significant amount of protein; that it would be of especial value as a supplement for a diet in pernicious and nutritional anemia; that it was a concentrate of proteins; that it was a concentrated food; that it would produce new activity and strengthen every organ of the body; that it would cause normal functioning of the organs of the body; that it would build practically every organ of the body and restore vigorous health and youthful strength; that it would rebuild the blood-forming organs and reinvigorate the blood; that it would rebuild the heart muscle, the stomach muscle, the intestines, the kidneys, the glandular tissue, the brain tissue, and the defensive tissue, so that the sick organs of the body would be immediately fed by the "building stones" that had been lacking in the diet; that it would provide special nutrition for the body; that it was very high in natural vitamins; and that it contained substantial amounts of the vitamins found in meat. The article did not contain the amounts of protein and vitamins represented; it was not a concentrate of proteins; it was not a concentrated food; and it would not accomplish the results claimed.

*Diet Supplement No. 10.* Misbranding, Section 403 (a), certain statements on the label and in an accompanying leaflet entitled "Hydro-Thropic Calcium Ionizable No. 10" were false and misleading since they represented and suggested that the article contained a nutritionally significant amount of protein; that it would increase the ionizable calcium in the blood stream, relieve the hyperfunction of the cortex of the adrenal gland, and regulate the sodium chloride retention of the body liquids; that it would increase the rate of cell renovation and cell growth and reconstruction; that it would favor the beneficial bacterial flora in the intestinal tract and eliminate a putrefying bacterial flora; that it would increase the tone and favor the reconstruction of the muscles of the intestinal wall and prevent stasis, atonia, and inflammation of the intestines; that it would prevent hyperplasia of the parathyroid glands; that it would prevent hyperirritability of the whole nervous system; that it would prevent inflammation of the trophic nerves and nerve ganglia; that it would prevent the "status alergicus" and all its consequences; that it would prevent rarefaction and reabsorption of the bone tissue, inactivation of vitamins A and D, and all kinds of muscular tetany, especially during lactation; that it would increase and normalize the force and power of the heart beat by increasing the tone of the heart muscle; that it would prevent premature aging, atonia of the vagus, and sympathetic hyperfunction; that it would increase the output of the glands of digestion and give strength and tone to the voluntary muscles and nervous system; and that it was an exceptionally valuable source of assimilable calcium, and therefore would be of especial value in preventing a sequence of malfunctions that finally would bring about irreparable bone and organ deterioration and, finally, bacterial invasion in the necrosed tissues. The article did not contain a nutritionally significant amount of protein; it was not an exceptionally valuable source of assimilable calcium; and it would not be efficacious for the purposes represented. Further misbranding, Section 403 (j), it purported to be and was represented for special dietary uses by reason of its mineral properties in respect of calcium, phosphorus, and iron, and its label did not bear, as required by the regulations, a statement of the proportion of the minimum daily requirements for calcium, phosphorus, and iron which would be supplied by the article when consumed in a specified quantity during a period of 1 day.

The *Diet Supplement No. 4B* 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, No. 1723.

**DISPOSITION:** On May 22, 1945, the defendant having entered a plea of not guilty, the case came on for trial before a jury. This trial resulted in a jury disagreement. Thereafter, the case was retried before another jury, resulting in a verdict of guilty. On October 16, 1945, the court imposed a fine of \$150 on each of counts 1 and 2, relating to the *Diet Supplement No. 4B*, and a sentence of 1 year in jail with respect to count 3, relating to the *Diet Supplement No. 10*. The jail sentence was suspended and the defendant was placed on probation for 3 years.