

# United States Department of Agriculture

## FOOD AND DRUG ADMINISTRATION

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

25851—25950

[Approved by the Acting Secretary of Agriculture, Washington, D. C., November 28, 1936]

**25851. Misbranding of Krispy Krumbs. U. S. v. The Better Wheat Foods Co., a corporation, and Denton Rogers. Plea of guilty by defendant Rogers. Fine, \$27. (F. & D. no. 32225. Sample no. 50923-A.)**

Unwarranted therapeutic and curative claims were made for this article; its label bore incorrect statements regarding its ingredients, and the quantity of the contents of the package in which it was sold was not plainly stated thereon.

On December 3, 1934, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Better Wheat Foods Co., a corporation, and Denton Rogers, Logan, Utah, alleging shipment by it and him in violation of the Food and Drugs Act, as amended, on or about October 17, 1933, from Logan, Utah, to Denver, Colo., of quantities of Krispy Krumbs which were misbranded.

Analysis of the article showed that it consisted essentially of wheat containing a large amount of bran, and that little, if any, flaxseed was present.

Misbranding of the article was charged under the allegations that its package bore and that a circular enclosed therein contained statements regarding the therapeutic and curative effects of the article; that the said statements falsely and fraudulently represented that the article was effective, among other things, to furnish energy to make muscles, tissues, blood, bones and teeth, and to build good, sturdy bodies for young and old; effective to produce marvelous health—stomach disorders, auto-intoxication, nervous ailments, ulcers of the stomach, kidney trouble, bad complexion, liver trouble, excess acidity, rheumatism, and diabetes; effective to clear the blood stream of poisons and to neutralize acidity; effective to promote proper elimination and to assist the liver and kidneys in assuming their normal functions; effective as a treatment for any chronic ailments brought on by faulty elimination; and effective as a treatment for maladies of years' standing.

Misbranding of the article was further charged (a) under the allegations that the packages bore the statement "100% Whole Wheat", and that there appeared on a circular enclosed in the package the statements, "It is made more laxative by the addition of an especially prepared flax seed" and "A Complete Meal", that the article was not 100 percent whole wheat, that it contained little, if any, flaxseed, that it did not contain the essentials of a complete meal; that the aforesaid statements were false and misleading; (b) under the allegation that the article was labeled as aforesaid so as to deceive and mislead the purchaser; (c) under the allegation that the article was in package form and that the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 8, 1934, a plea of guilty by the defendant Rogers having been entered, a fine of \$27 was imposed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25852. Misbranding of crackers. U. S. v. Griggs, Cooper & Co. Plea of nolo contendere. Fine, \$20. (F. & D. no. 33775. Sample no. 66698-A.)**

This case was based on an interstate shipment of crackers the packages of which contained less than the quantity represented thereon.