strength; that it would be efficacious in the treatment of those who are suffering with stomach and intestinal ulcers; that it would be efficacious in the treatment of high blood pressure; that it would neutralize excess acid and give relief for acid indigestion; and that it would be efficacious to correct dietary deficiencies; whereas it would not be efficacious for such purposes.

It was alleged to be misbranded further in that its label did not bear the common or usual name of the food, namely, flaxseed or linseed, prominently placed thereon with such conspicuousness, as compared with other words, statements, designs or devices in the labeling, and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

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.

On May 23, 1941, the defendant having entered a plea of nolo contendere, he was adjudged guilty and fined $100.

2821. Adulteration and misbranding of Hain Becompx Capsules. U. S. v. 56 Packages of Hain Becompx Capsules. Default decree of condemnation and destruction. (F. D. C. No. 4375. Sample No. 32497-E.)

This product was represented to contain 100 International Units of vitamin B_1 per capsule. Biological assay, however, showed that it contained not more than 60 U. S. P. units of vitamin B_1 per capsule (1 U. S. P. unit is equivalent to 1 International Unit of vitamin B_1).

On April 17, 1941, the United States attorney for the Southern District of California filed a libel against 56 packages of Hain Becompx Capsules at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about December 9, 1940, by the International Vitamin Corporation from Brooklyn, N. Y.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a valuable constituent, namely, vitamin B_1, had been wholly or in part omitted or abstracted therefrom. It was alleged to be misbranded in that the following statements appearing on the box were false and misleading since they were incorrect: "Each Capsule contains: B_1—100 International (200 Sherman) Units."

The article was also charged to be adulterated and misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 476.

On June 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2822. Adulteration and misbranding of Vi-An Tablets. U. S. v. 30 Bottles and 24 Bottles of Vi-An Tablets. Default decree of condemnation and destruction. (F. D. C. No. 3821. Sample No. 55245-E.)

Each of these tablets was represented to contain 1,250 International Units of vitamin A and 125 International Units of vitamin D, but biological assay showed that they contained not more than 40 International Units of vitamin A and 60 International Units of vitamin D.

On February 14, 1941, the United States attorney for the Western District of Washington filed a libel against the above-named product at Seattle, Wash., alleging that it had been shipped by Vegetrates, Inc., from Los Angeles, Calif., on or about November 29, 1940; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that valuable constituents, namely, vitamin A and vitamin D, had been omitted or abstracted in whole or in part therefrom. It was alleged to be misbranded in that the statement "Four tablets a day * * * furnish: Vitamin A . . . 5,000 I. U. * * * Vitamin D . . . 500 I. U." was false and misleading since it was incorrect.

It also was alleged to be adulterated and misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 478.

On April 24, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS

2823. Misbranding of Crawford's Ridia. U. S. v. 20 Bottles of Crawford's Ridia. Default decree of condemnation and destruction. (F. D. C. No. 3826. Sample No. 55743-E.)

This product, which consisted essentially of alfalfa and a smaller proportion of mint, was falsely labeled as a supplementary food for sufferers from diabetes.

On February 20, 1941, the United States attorney for the District of Oregon filed a libel against 20 bottles of Crawford's Ridia at Portland, Oreg., alleging

that the article had been shipped on or about January 10, 1941, by Crawford Foods, Inc., from San Jose, Calif.; and charging that it was misbranded.

The article was alleged to be misbranded in that the statements on the label, "Ridia Supplementary Food for Diabetics * * * Ridia is a Food Adjuvant to regularly prescribed diets. Ration—Five or more tablets after each meal, according to supplementary needs in the diet," were false and misleading since it possessed no properties which would render it of peculiar usefulness for such purposes. It was alleged to be misbranded further in that its label failed to bear the common or usual name of each of its active ingredients.

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

On April 17, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2824. Misbranding of Merlek Mineral Water. U. S. v. 32½ Cases of Merlek Mineral Water. Trial by jury; verdict for the Government. Judgment of condemnation and destruction. (F. D. C. No. 2234. Sample No. 7399–E.)

The labeling of this product, which had the approximate composition of sea water, bore false and misleading representations regarding its efficacy in the conditions indicated below.

On June 22, 1940, the United States attorney for the District of Arizona filed a libel against 32½ cases of Merlek Mineral Water at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about May 18, 1940, by Lee Brothers from Oakland, Calif.; and charging that it was misbranded.

It was alleged to be misbranded in that the statement on the bottle label, "Merlek is sold only to help supply minerals for mineral deficiencies," was false and misleading as applied to an article that had the approximate composition of sea water. It was alleged to be misbranded further in that representations appearing in a circular accompanying the article entitled "Have You Eaten Today? Did You Get the Necessary Minerals?" which recommended it for persons who are "cross, tired, misbehaving, naughty," or suffering from nervous collapse, excess acid, rundown conditions, and many other diseases, and that it was valuable in the maintenance of health, for proper growth, for the teeth, for the blood and for life, were false and misleading when considered in the light of the composition of the product and the dosage recommended.

On July 20, 1940, M. E. Lee and Ned Johnson, claimants, filed an answer to the libel admitting the shipment in interstate commerce but denying that the product was a drug or that it was misbranded when shipped in interstate commerce. On December 10, 1940, the case came up for trial before a jury.

The taking of testimony was concluded on December 19, 1940, on which date the jury returned a verdict for the Government. On January 6, 1941, judgment was entered condemning the product and ordering that it be destroyed.

The libel also charged that the product was misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 513. The court's instructions to the jury are reported in the drug notice.

2825. Adulteration of miscellaneous foods. U. S. v. A Certain Quantity of Foods. Consent decree of condemnation. Products ordered released under bond for segregation and relabeling of fit portions. (F. D. C. No. 4214. Sample Nos. 56786–E to 56794–E, incl.)

This case was based on a shipment of salvaged smoke- and water-damaged goods, which included quantities of food products such as baby foods and candy.

On April 15, 1941, the United States attorney for the Southern District of New York filed a libel against 284 cartons of miscellaneous merchandise, including a certain quantity of foods, at New York, N. Y., alleging that the articles had been shipped on or about February 26 and 28, 1941, by Curtis & Travis from Harrisburg, Pa.; and charging that the foods were adulterated in that they consisted in whole or in part of filthy substances and were otherwise unfit for food, and in that they had been held under insanitary conditions whereby they might have become contaminated with filth.

The libel also covered quantities of drugs and cosmetics that were adulterated, as reported in notices of judgment on drugs and devices and on cosmetics.

On April 30, 1941, Gibbs Peoples Drug Service Co., Harrisburg, Pa., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond conditioned that the fit portions be segregated and relabeled in compliance with the law.