

On March 14, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3220. Misbranding of cocoa. U. S. v. 11 Cases of Cocoa. Default decree of condemnation and destruction.** (F. D. C. No. 6822. Sample Nos. 51338-E, 90571-E.)

Examination showed that this product was short weight and deficient in cocoa fat.

On February 7, 1942, the United States attorney for the District of Massachusetts filed a libel against 11 cases of cocoa at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about October 30, 1940, by Francis H. Leggett & Co. from New York, N. Y.; and charging that it was misbranded. It was labeled in part: "Plantation Brand Cocoa Plantation Extract Corporation New York City, N. Y., 5 Lbs. Net Wt."

The article was alleged to be misbranded in that the statement "5 Lbs. Net Wt." was false and misleading as applied to an article that was short weight; in that it was offered for sale under the name of another food since it was invoiced as breakfast cocoa, a product containing 22 percent of cocoa fat, and it contained only 15.72 percent of cocoa fat; and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On April 27, 1942, no claimant having appeared, judgment of condemnation was ordered and the product was ordered destroyed.

### VITAMIN PREPARATIONS

**3221. Adulteration and misbranding of A. B. D. G. Capsules. U. S. v. 15,000 A. B. D. G. Capsules. Default decree of condemnation and destruction.** (F. D. C. No. 6068. Sample No. 53409-E.)

These capsules, which were shipped in bulk package, were labeled "A. B. D. G. Capsules Improved," but subsequently a portion were repackaged and labeled "Hain Abgede Improved Vitamins." Each capsule was represented to contain 200 U. S. P. units of vitamin B<sub>1</sub>, but examination showed that each one contained not more than 133 International Units (U. S. P. units) of vitamin B<sub>1</sub>.

On October 24, 1941, the United States attorney for the Southern District of California filed a libel against 15,000 A. B. D. G. Capsules at Los Angeles, Calif., alleging that the article had been shipped on or about July 11, 1941, 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<sub>1</sub>, had been in whole or in part omitted or abstracted therefrom. It was alleged to be misbranded in that the statement on the shipping carton, "200 vitamin B<sub>1</sub> units U. S. P.," was false as applied to an article that contained not more than 133 International Units of vitamin B<sub>1</sub> per capsule.

It was also alleged to be adulterated and misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 566.

On November 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3222. Misbranding of wheat germ. U. S. v. 219 Cans of Wheat Germ. Default decree of condemnation and destruction.** (F. D. C. No. 6362. Sample No. 83181-E.)

The labeling of this product bore false and misleading representations regarding its value as a source of certain vitamins and minerals and its efficacy in the treatment of diseases and abnormalities of the body.

On December 9, 1941, the United States attorney for the Eastern District of Louisiana filed a libel against 219 cans of wheat germ at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about September 15, 16, and 24, 1941, by the Colonial Milling Co. from Nashville, Tenn.; and charging that it was misbranded. It was labeled in part: "Polly Rich Wheat Germ."

The article was alleged to be misbranded in that the following and similar statements, (label) "Contains Vitamins A-B-E-G \* \* \* Four level tablespoons of Wheat Germ contain about the average daily requirement of Vitamin B"; and (circular, entitled "Polly Rich Wheat Germ Contains vitamins A-B-E-G," attached to retail package) "Nature's Own Tonic in Its Pure Virgin Wholeness" \* \* \* The heart or embryo of the grain of wheat is known as 'Wheat

Germ. It is one of the best known sources of Vitamin B (whole complex) and E and is a good source of Vitamin A. It contains iron, phosphorous, sodium, potassium, zinc, copper, manganese, calcium and magnesium, all of which are essential to our mineral economy, in forms which are easily assimilated. Wheat Germ is in truth 'Nature's own health tonic in its pure virgin wholeness,' were false and misleading since they created the impression that wheat germ is a consequential source of vitamins A, B, E, and G and the minerals iron, phosphorus, sodium, potassium, zinc, copper, manganese, calcium and magnesium; whereas, while wheat germ may be considered as a consequential source of vitamin B and phosphorus, the contribution to the dietary intake of the other vitamins and minerals contained in wheat germ is inconsequential. It was alleged to be misbranded further in that representations in the labeling that it was efficacious in the treatment of a wide variety of diseases and abnormalities of the body, such as secondary anemia, cataracts of the eye, sterility, and alcoholic diseases, were false and misleading in that it would not be efficacious for such purposes.

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

On March 25, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

### MISCELLANEOUS

**3223. Adulteration and misbranding of lemon flavor. U. S. v. 234 Quarts of Lemon Flavor. Default decree of condemnation and destruction. (F. D. C. No. 6700. Sample No. 40801-E.)**

This product was deficient in lemon oil since it contained only approximately 9 percent while the label declared 20 percent.

On January 14, 1942, the United States attorney for the Eastern District of Pennsylvania filed a libel against 234 quarts of lemon flavor at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or before December 24, 1940, by Francis H. Leggett & Co. from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: "Lemon Flavor Non-alcoholic."

The article was alleged to be adulterated in that a nonalcoholic lemon flavor containing less than 20 percent of oil of lemon had been substituted for non-alcoholic lemon flavor containing 20 percent of oil of lemon.

It was alleged to be misbranded in that the statements, "Formula: Oil of lemon (U. S. P. (by volume) ) 20 Per Cent" and "This lemon flavor has four times the flavoring strength of ordinary commercial lemon extracts. One teaspoonful of this flavor is equal in strength to four teaspoonfuls of commercial extract and should be used accordingly," were false and misleading since it contained less than 20 percent of oil of lemon.

On June 5, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3224. Adulteration of ground black pepper. U. S. v. 4 Barrels of Black Pepper. Default decree of condemnation and destruction. (F. D. C. No. 6551. Sample No. 90267-E.)**

This product contained rodent hairs and insect fragments.

On December 22, 1941, the United States attorney for the District of Massachusetts filed a libel against 4 barrels of black pepper at Malden, Mass., alleging that the article had been shipped in interstate commerce on or about September 8, 1941, by Wood & Selick, Inc., from New York, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Barrels) "Favorite Brand Black Pepper."

On March 23, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**3225. Misbranding of gelatin. U. S. v. 22 Cases of Gelatin. Default decree of condemnation and destruction. (F. D. C. No. 5386. Sample No. 60855-E.)**

Examination showed that the two envelopes, each containing 1 tablespoonful of gelatin, enclosed in the box in which the product was packaged, occupied only about 25 percent of the capacity of the box.