

A promotes a feeling of well being and is essential in the resistance to infection, notably of Eyes, Lungs, Tonsils, Sinuses and Intestinal Tract. * * * Wheat Germ contain organic calcium, phosphorus and iron so necessary for rich blood, strong teeth and bones. This combination of vitamins and minerals helps build vital resistance," were misleading since it would not accomplish the results nor fulfill the promises of benefit represented or suggested.

On April 10, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS

3647. Misbranding of papaya sirup. U. S. v. 243 Dozen Bottles and 46 Dozen Bottles of Tropical's Original Papaya Syrup. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 4857. Sample No. 62052-E.)

The labeling of this product contained false and misleading health claims.

On June 10, 1941, the United States attorney for the Northern District of Illinois filed a libel against 289 dozen bottles of papaya sirup at Chicago, Ill., alleging that the article had been shipped on or about February 25, 1941, by Tropical Fruit Products from St. Louis, Mo.; and charging that it was misbranded.

The article was alleged to be misbranded in that representations in the labeling that it would supply energy food which could be easily absorbed; that it would promote health and build energy, thus making one feel more alive and full of pep; that it would reduce the absorption of poisonous toxins and stomach distress; that it was an alkalizer and body builder; that it would prevent kidney, liver, and stomach diseases and keep the skin clear; that it was an appropriate treatment for anemia, gastritis, indigestion, constipation, arthritis, rheumatism, ulcers, colitis, sinusitis, influenza, colds, dysentery and obesity; and that it would increase the stature of children, were false and misleading since it would not be efficacious for such purposes.

It also was alleged to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 636.

On June 24, 1941, C. O. Pinkard, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

3648. Adulteration and misbranding of Cal-Par. U. S. v. 26 Dozen Packages and 6 Dozen Packages of Cal-Par with circulars entitled "Dr. Parrish's 7 Day Reducing Plan" and display cards entitled "Lose Fat." Default decree of condemnation and destruction. (F. D. C. No. 5237. Sample No. 61018-E.)

This product, which consisted of wheat germ, wheat bran, crystalline material, and wheat flour, was found to contain less than 50 percent of the amount of phosphorus claimed. Its labeling also bore false and misleading claims regarding its value as a weight reducer and as a treatment for various diseases and disease conditions.

On or about August 12, 1941, the United States attorney for the Western District of Washington filed a libel against 26 dozen 7-ounce packages and 6 dozen 16-ounce packages of Cal-Par, together with all circulars entitled "Dr. Parrish's 7 Day Reducing Plan" and all display cards entitled "Lose Fat" at Seattle, Wash., alleging that the article had been shipped by Hood Products Corporation from New York, N. Y., on May 10 and 14, 1941; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a valuable constituent, namely, phosphorus, had been in whole or in part omitted therefrom.

The article was alleged to be misbranded in that representations in the labeling that it would supply the average person's daily needs of phosphorus; that it would build strong teeth, sturdy bones, firm flesh, pliant muscles, and efficient brain cells; that it was an aid for underweight and for reducing overweight; that it would protect the user against nervousness, tiredness, sleeplessness, and lack of pep and vigor; that it would prevent heart trouble, nervous disorders, kidney complaints, liver ailments, digestive upsets, eye afflictions, and many other ailments due to the lack of certain vitamins and minerals; that it would aid in maintaining the acid-base equilibrium of the blood; that it would furnish nourishment to nerves and the brain; that it constituted an adequate treatment in anemia conditions, run-down conditions, and sinus trouble; and would relieve the pains of arthritis and rheumatism, were false and misleading since it would not be efficacious for such purposes.

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. 677.

On December 30, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

MISCELLANEOUS

3649. Adulteration of chocolate coating. U. S. v. 58 Cases, 20 Cases, and 91 Cases of Chocolate Coating. Consent decree of condemnation. Product ordered released under bond to be reconditioned. (F. D. C. No. 4928. Sample Nos. 61015-E to 61017-E, incl.)

The warehouse in which this product had been stored after shipment was rodent-infested, and rodents had chewed through the wrappers of a number of slabs of the coating.

On June 25, 1941, the United States attorney for the Western District of Washington filed a libel against 169 50-pound cases of chocolate coating at Seattle, Wash., alleging that the article had been shipped within the period from on or about July 14, 1939, to on or about February 26, 1941, that it was in possession of the Parisian Candy Co., at Seattle, Wash.; and charging that it was adulterated in that it had been held under insanitary conditions whereby it might have become contaminated with filth.

On July 17, 1941, Joseph Vinikow, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reconditioned under the supervision of the Food and Drug Administration for purposes of human consumption. The edges of slabs showing possible contamination by rodents were trimmed and each slab was wrapped in clean paper. Badly damaged slabs were entirely discarded and soaked with stove oil.

3650. Adulteration of dried red peppers. U. S. v. 858 Bags of Dried Red Peppers. Consent decree of condemnation. Product ordered released under bond to be restored to a merchantable condition. (F. D. C. No. 6603. Sample No. 66780-E.)

Examination showed that this product contained rodent pellets, insects, and insect larvae, and that it was decomposed, as evidenced by the presence of mold.

On or about January 6, 1942, the United States attorney for the Northern District of Illinois filed a libel against 858 30-pound bags of dried red peppers at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 22, 1941, by Evangeline Pepper & Food Prod. from St. Martinville, La.; and charging that it was adulterated in that it consisted in whole or in part of a filthy and decomposed substance, and in that it had been prepared, packed, or held under insanitary conditions whereby it might have become contaminated with filth.

On February 3, 1942, Leo J. Bulliard, claimant, having admitted, for the purposes of the proceedings only, the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be restored to a merchantable condition under the supervision of the Food and Drug Administration. The objectionable portions of the product were destroyed.