

**4487. Adulteration of wheat germ. U. S. v. 60 Bags of Wheat Germ. Default decree of condemnation and destruction.** (F. D. C. No. 8171. Sample No. 17945-F.)

This product was insect-infested.

On August 20, 1942, the United States attorney for the Southern District of New York filed a libel against 60 bags, each bag containing 100 pounds, of wheat germ at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 1, 1942, by Freshman Vitamin Co. from Wooster, Ohio; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. On September 10, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**4488. Adulteration of wheat germ. U. S. v. 161 Cases and 45 Cases of Wheat Germ. Default decree of condemnation and destruction.** (F. D. C. No. 8399. Sample No. 16874-F.)

On September 24, 1942, the United States attorney for the Southern District of New York filed a libel against 161 cases, each containing 12 ½-pound cans, and 45 cases, each containing 12 1-pound cans, of wheat germ at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 28, 1942, by the Battle Creek Food Co. from Battle Creek, Mich.; and charging that it was adulterated and misbranded. The article was labeled in part: "Battle Creek Wheat Germ."

Examination of samples of the article showed that it contained less than 300 U.S.P. units of vitamin B<sub>1</sub> per ounce.

It was alleged to be misbranded (1) in that the following statement on the label, "One ounce (approx. ⅓ cup) of Battle Creek Wheat Germ supplies 500 U.S.P. units of vitamin B<sub>1</sub> (Thiamin), (1½ times the minimum daily requirement for an adult)," was false and misleading since it contained less than 500 U.S.P. units of vitamin B<sub>1</sub> per ounce; (2) in that the following statements, "Wheat Germ fills a much-needed place in the modern diet which is apt to be deficient in Thiamin (vitamin B<sub>1</sub>) and Riboflavin (vitamin G). Vitamin B<sub>1</sub> tends to make steady nerves, improves appetite, aids digestion and combats constipation. Vitamin G promotes good nutrition; both vitamins help to build vital resistance. Battle Creek Wheat Germ presents a \* \* \* economical source of these important vitamins. One ounce (approx. ⅓ cup) of Battle Creek Wheat Germ supplies 500 U.S.P. units of vitamin B<sub>1</sub> (Thiamin), (1½ times the minimum daily requirement for an adult)," were misleading since they represented and suggested that adequate amounts of vitamin B<sub>1</sub> and riboflavin are not supplied by the ordinary diet and that the use of the article would promote steady nerves, improve the appetite, aid digestion, combat constipation, promote good nutrition, and build vital resistance, whereas vitamin B<sub>1</sub> and riboflavin are present in a wide variety of ordinary foods and are present in many ordinary diets in adequate amounts, and the use of the article would not correct nor promote the conditions mentioned; and (3) in that it purported to be a food for special dietary use by reason of the presence of riboflavin and vitamin B<sub>1</sub> and other vitamins and its label failed to name, as required by regulations promulgated pursuant to law, the special dietary properties other than riboflavin and vitamin B<sub>1</sub>, upon which such use was based, and its label failed to bear a statement of the quantity of such vitamins, other than riboflavin and vitamin B<sub>1</sub>, supplied by the article, as required by such regulations.

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

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

#### MISCELLANEOUS FOOD PRODUCTS

**4489. Misbranding of Mrs. Price's compound and Mrs. Price's special prepared boric acid. U. S. v. 89 Packages of Mrs. Price's Compound and 92 Packages of Mrs. Price's Special Prepared Boric Acid. Default decrees of condemnation and destruction.** (F. D. C. Nos. 8411, 8974. Sample Nos. 22618-F, 24720-F.)

The former of these products consisted of about 95½ percent of boric acid and 4½ percent of sodium chloride; the latter was boric acid.

On September 23 and December 11, 1942, the United States attorneys for the District of Maryland and the Middle District of Pennsylvania filed libels against