

VITAMIN PREPARATIONS AND FOOD FOR SPECIAL DIETARY USES*

5769. Adulteration and misbranding of coconut milk and powdered milk of soya bean, and adulteration of candy. U. S. v. John Bruno Radcliffe (Radcliffe Soya Products). Plea of guilty. Defendant placed on probation. (F. D. C. No. 7260. Sample Nos. 13603-E, 13800-E, 21643-E, 21644-E, 61593-E, 63220-E, 85111-E to 85113-E, incl.)

The labeling of the coconut milk and the powdered milk of soya bean bore exaggerated claims regarding the nutritional properties of the articles. A portion of the coconut milk contained insect parts and a rodent-like hair, and various portions of the candy contained one or more of the following filthy substances: Rodent-type hairs and excreta, rodent pellets, larvae, beetles, mites, small flies, larva cast skins, larva capsules, larva and insect fragments, and worm capsules, skin, fragments, and cast skin.

On August 11, 1942, the United States attorney for the Northern District of California filed an information against John Bruno Radcliffe, trading as Radcliffe Soya Products, San Francisco, Calif., alleging shipment within the period from on or about February 8, 1940, to November 24, 1941, from the State of California into the States of Idaho and Washington of a quantity of food that was adulterated and misbranded. The article was labeled in part: (Cans) "Radcliffe's Original Powdered Milk of Soya Bean," or "Tropical Coconut Milk," (boxes) "Hollywood Candy Bar," (wrappers) "Papaya Fruit Bar," "Alfa-Soya-Bar Lime," "Soya-Milk-Bar Cherry Fudge," "Soya-Bar Cream Nut [or "Orange," "Coconut Fruit," or "Soya Brittle"]," or "Avocado Candy Bar."

The powdered milk of soya bean was alleged to be adulterated in that a mixture of powdered soya bean and powdered skim milk had been substituted in whole or in part for powdered milk of soya bean, which the article purported and was represented to be.

It was alleged to be misbranded because of false and misleading statements appearing in its labeling which represented and suggested that it was endorsed by the U. S. Department of Agriculture, Washington, D. C.; that it was original powdered milk of soya bean; that it was especially valuable for infant feeding and was as good as or better than mother's milk; and that it was rich in vitamins; that it was a nerve, brain, and gland rejuvenator; and that it was beneficial for diabetics.

A portion of the coconut milk was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

All of the coconut milk was alleged to be misbranded in that the statements appearing in the labeling which represented and suggested that it was a tropical coconut milk; that it would provide energy, strength, and vitality to the user; that it was efficacious for health building, and would be efficacious in the cure, mitigation, treatment, or prevention of colitis, underweight, weak stomach, stomach ulcers, nerve exhaustion and sleeplessness; and that it would be beneficial for convalescents, and was rich in vitamins and minerals, were false and misleading since it was not a tropical coconut milk and it would not be efficacious for the purposes claimed.

The coconut milk and the powdered milk of soya bean were also alleged to be misbranded under the provisions of the law applicable to drugs as reported in the notices of judgment on drugs and devices, No. 933.

The candy was alleged to be 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.

On November 3, 1942, the defendant having entered a plea of guilty, the court placed him on probation for 2 years.

5770. Adulteration and misbranding of Hain Abgede Capsules. U. S. v. Harold Hain (Hain Pure Food Co.) Plea of not guilty. Tried to the court. Judgment of not guilty on counts charging violation of sections of the law applicable to foods; guilty on counts charging violation of sections of the law applicable to drugs. (F. D. C. No. 4154. Sample No. 32640-E.)

On September 10, 1941, the United States attorney for the Southern District of California filed an information against Harold Hain, trading as the Hain Pure Food Co., at Los Angeles, Calif., alleging shipment on or about October 11, 1940, from the State of California into the State of Arizona of a quantity of Hain Abgede Capsules.

The article was alleged to be an adulterated food in that a valuable constituent, vitamin B₁, had been in part omitted or abstracted therefrom.

*See also Nos. 5688, 5689.