

and misleading since the article was compounded of dried vegetables, not fresh vegetables, and did not provide the vitamins that some vegetables provide in their fresh state.

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 12, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

5796. Misbranding of Bovex. U. S. v. 21 Bottles of Bovex. Default decree of condemnation and destruction. (F. D. C. No. 9808. Sample No. 31130-F.)

Analysis showed that the article consisted of an oil such as linseed and wheat-germ oil with a small amount of calcium carbonate and water.

On April 23, 1943, the United States attorney for the Northern District of California filed a libel against 21 1-pint bottles of Bovex at Petaluma, Calif., alleging that the article had been shipped in interstate commerce from Portland, Oreg., on or about March 23, 1943, by the Triangle Milling Co.; and charging that it was misbranded.

It was alleged to be misbranded (1) in that the statements appearing in its label which represented and suggested and created in the mind of the reader the impression that it would be effective for better breeding, would promote normal breeding, aid in the prevention of sterility due to vitamin or nutritional deficiencies, aid reproduction by reason of its content of vital elements and chemicals, prevent infection, prevent the embryo from being reabsorbed, promote normal conception, reduce the immediate deficiency from normal reproduction, and help prevent reabsorption; and that vitamin E was accepted by the American Medical Association and the American Council of Pharmacy and Chemistry as the anti-sterility vitamin were false and misleading since the article was not so effective and had not been accepted by the associations named; and (2) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

The article was 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.

On June 30, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5797. Misbranding of Cuban honey. U. S. v. 38 Jars and 284 Packages of Honey. Decrees of condemnation. Portion of product ordered destroyed and remainder ordered sold upon adoption of safeguards to insure its use in compliance with the law. (F. D. C. Nos. 8170, 8371. Sample Nos. 1116-F, 1117-F, 5901-F.)

On August 21 and September 28, 1942, the United States attorneys for the Eastern District of Missouri and the Northern District of Illinois filed libels against 25 \$1-size, 7 \$2-size, and 6 \$3.75-size jars of honey at St. Louis, Mo., and 141 9-ounce, 81 22½-ounce, 56 48-ounce, 3 96-ounce, and 3 1-gallon packages of honey at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 16, July 18, and August 29, 1942, from Lansing, Mich., by Cuban Honey, Inc.; and charging that it was misbranded. The article was labeled in part: "El Aguinaldo Cuban Honey."

Analysis of a sample of the article showed that it consisted of honey, and that the mineral matter therein amounted to approximately one-sixth of 1 percent.

The lot at Chicago was alleged to be misbranded in that the statements appearing in its labeling which represented and suggested that it would constitute a remedy for sick and wounded soldiers, and that it provided a significant portion of minerals, and constituted an adequate treatment for digestive disorders, bronchial asthma, bronchitis, asthma, bronchial pneumonia, coughs, sinus conditions, hay fever, and stomach ulcers were false and misleading since it would not constitute a remedy for sick and wounded soldiers nor an adequate treatment for the conditions above-described, and it did not provide a significant portion of minerals.

The lot at St. Louis was alleged to be misbranded in that the statements appearing in its labeling which represented and suggested that it constituted a remedy for sick and wounded soldiers; that it was valued for its medicinal properties; that it played an important part in the preservation of zestful health for those who were well and in restoring health to those who were ill; that it

differed in a material respect from domestic honey; that, when used in the place of other sweets, it would cause children to thrive; that it constituted a source of vital energy and was a great help in the heavy daily battle of life; that it would aid nature in building and maintaining health; that, when taken as directed, it possessed laxative qualities; that it was a relaxing food; that it would aid in more normal action of the digestive system; that it would be retained by those whose digestion was impaired and who have difficulty in retaining food; that it would soothe tired nerves and aid in preventing sleepless nights; that it defied chemical analysis; that it provided the necessary mineral salts; that it contained a significant proportion of minerals; that it was more easily retained in the stomachs of children than were other foods suitable for them; that it was a substitute for cod liver oil and orange juice; that, when used as directed, it would cause an increase in weight in children not caused by other common foods; that it would cause a decrease in restlessness and distress after feeding; and that it was efficacious in cases of rickets and malnutrition were false and misleading; since it did not differ in a material respect from domestic honey, it had not defied chemical analysis, it did not contain a significant proportion of minerals, it was not a substitute for cod liver oil and orange juice, and it would not be efficacious for the purposes recommended, or accomplish the results claimed. Both lots were alleged to be misbranded further in that the following statements appearing in the labeling of the lot at St. Louis, "Analysis ----% ---- Water 18.53, Invert Sugars 71.01, Sucrose .83, Ash .25, Dextrine 2.39, Undetermined 6.99, Alkaloids None," and "Analysis of Ash ----% ---- Silicon 4.78, Iron .88, Calcium 3.67, Magnesium 1.18, Sodium 14.12, Potassium 48.47, Phosphorous .78, Sulphur .97, Chlorine 9.87, Undetermined 15.27," and substantially the same statements in the labeling of the lot at Chicago, were misleading, since such statements failed to reveal that the article consisted essentially of a variety of sugars, and that the other constituents named, including the various mineral elements mentioned, were present in the article in so small a proportion as to be negligible.

The article was 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.

On December 7, 1942, and January 6, 1943, no claimant appeared, judgments of condemnation were entered and it was ordered that the lot at Chicago be destroyed and that the lot at St. Louis be sold to the person or corporation offering the highest bid and adopting such safeguards as might be recommended by the Federal Security Agency against its use in violation of the law.

5798. Misbranding of Improved Heptuna. U. S. v. 46 Cases of Gelatine Capsules. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 9045. Sample No. 1951-F.)

On or about December 31, 1942, the United States attorney for the Northern District of Illinois filed a libel against 46 cases, each containing 144 gelatin capsules, at Chicago, Ill., alleging that the article had been shipped within the period from on or about November 11 to December 8, 1942, from Detroit, Mich., by the Gelatin Products Co.; and charging that it was misbranded. The article was labeled in part: "Improved Heptuna Fifty [or "One Hundred"] Soluble Gelatine Capsules Vitamins A B D G with Liver and Iron."

The article was alleged to be misbranded in that the following statements on its label, "Vitamins * * * G," and "liver concentrate fortified with * * * riboflavin * * * Vitamin G . . . 100 Gammas," were misleading since such statements represented and suggested that the article, when taken as directed, would provide a consequential amount of vitamin G (riboflavin), whereas it would not provide a consequential amount of vitamin G. It was alleged to be misbranded further in that it purported to be a food for special dietary uses, and its label failed to bear such information concerning its vitamin and mineral properties as has been determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to its value for such uses, since its label failed to state the proportion of the minimum daily requirement of vitamins A, B, D and G contained in a specified quantity of the article, and the proportion of the minimum daily requirement for iron supplied by the article when consumed in a specified quantity during a period of 1 day, as required by the regulations.