

PRODUCT: 30 cases, each containing 16 dozen 1-ounce cartons, of Wip at East Hartford, Conn.

Examination showed that each carton contained a white, powdery substance in a paper bag; that the powder occupied on an average 37.3% of the carton; and that the bag and powder occupied only about half the volume of the carton.

LABEL, IN PART: (Carton) "Wip for whipping Light Cream Made of Vegetable Gum, Processed Cereal and Vegetable Products."

VIOLATIONS CHARGED: Misbranding, Section 403 (d), the container was so filled as to be misleading since the article occupied only about 37.3% of the capacity of the carton; and, Section 403 (i) (2), the product was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient since "Processed Cereal" and "Vegetable Products" were not the common names of the ingredients of the article.

DISPOSITION: May 24, 1944. The owner of the product having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

VITAMIN PREPARATIONS AND FOODS FOR SPECIAL DIETARY USES

6785. Misbranding of Ademo Tablets. U. S. v. 70 Dozen Bottles of Ademo Tablets (and 1 other seizure action against the same product). Decrees of condemnation. Portion of product ordered destroyed; remainder ordered released under bond for relabeling. (F. D. C. Nos. 10221, 11785. Sample Nos. 31063-F, 76304-F.)

LIBELS FILED: July 14, 1943, Western District of Washington; February 15, 1944, Southern District of New York.

ALLEGED SHIPMENT: From on or about March 2 to June 8, 1943, by the Ademo Corporation of America, Los Angeles, Calif.

PRODUCT: Ademo Tablets: 70 dozen bottles of various sizes at Seattle, Wash., and 361% dozen bottles of various sizes at New York, N. Y.

Examination and assays disclosed that the product was essentially of the composition stated on its label.

LABEL, IN PART: "Formulated from the Active Principle of Violet Ray Treated (Red Blood Cell Building) fraction of Desiccated, Raw Liver Extractive, Iron, Special Type Yeast, Concentrated Hemoglobin (Blood Powder), Milk Whey, Chlorophyll, Plus the following for each 6 tablets: H. P. Thiamin (B-1) * * * 1200 I. U. H. P. Riboflavin (B-2) * * * 3000 Micrograms Niacin * * * 10,000 Micrograms Iron * * * 20.24 Milligrams. Also minerals containing trace elements of Calcium, Chlorine, Magnesium, Sulphur, Potassium, Phosphorus and Pantothenic Acid as Naturally found in Yeast and Liver."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements in the labeling of the article which represented and suggested that it would build rugged red blood and insure strength, energy, and vibrant health were false and misleading since the article would not accomplish those results; and, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its calcium, chlorine, magnesium, sulfur, potassium, and phosphorus content, and its label failed to bear, as the regulations require, a statement of the proportion of the minimum daily requirement of calcium and phosphorus, and the quantity of chlorine, magnesium, potassium, and sulfur, furnished by a specified quantity of the article when consumed as directed during a period of 1 day.

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, No. 1122.

DISPOSITION: On November 8, 1943, no claimant having appeared for the product in the Washington lot, judgment of condemnation was entered and the product, including its labeling, was ordered destroyed. On May 22, 1944, Balanced Foods, Inc., New York, N. Y., claimant, having admitted the allegations of the libel against the New York lot, judgment of condemnation was entered and that lot was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

6786. Adulteration and misbranding of Be Bex. U. S. v. Oxford Products, Inc., and Jerome H. Rose. Pleas of guilty. Fines of \$300 and costs against each defendant. Sentence against corporate defendant suspended. (F. D. C. No. 9673. Sample No. 8706-F.)

INFORMATION FILED: On September 16, 1943, in the Northern District of Ohio, against Oxford Products, Inc., Cleveland, Ohio, and Jerome H. Rose, president of the corporation.