

of bread. The bread was not declared in the list of ingredients on the label. Samples from the 2 shipments were found to average 14.5 percent and 22.9 percent short-weight, and one lot contained undeclared coal-tar color.

**LABEL, IN PART:** "Quick Frozen General Frost Brand Hors D'Oeuvres Cheese, Meat, Fish, Olives, Pickle, Pepper, Chives, Onion, Mustard, Milk, Flour, Lemon Juice, and Seasoning \* \* \* Net Weight 8 Ozs."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the label of the article failed to contain an accurate statement of the quantity of the contents; Section 403 (i) (2), it failed to bear the common or usual name of each ingredient, since bread was not declared; and (Philadelphia lot), Section 403 (k), the article contained artificial coloring, and the label failed to state that fact.

**DISPOSITION:** On August 27, 1946, the General Froster Co., Inc., claimant for the Boston lot, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for re-labeling under the supervision of the Federal Security Agency.

On September 4, 1946, no claimant for the Philadelphia lot having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**11843. Misbranding of frozen oyster stew. U. S. v. 200 Cases \* \* \*. (F. D. C. No. 21414. Sample No. 81504-H.)**

**LIBEL FILED:** On or about December 11, 1946, District of Oregon.

**ALLEGED SHIPMENT:** On or about January 10, 1946, by the Paragon Packing Co., from Hoquiam, Wash.

**PRODUCT:** 200 cases, each containing 24 packages, of frozen oyster stew at Portland, Oreg. Examination showed that the product was short-weight.

**LABEL, IN PART:** "Paragon Quick Frozen Oyster Stew, net weight 1 lb."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the label of the article failed to contain an accurate statement of the quantity of the contents.

**DISPOSITION:** December 11, 1946. Gard Distributors, Inc., Portland, Oreg., and the Fidelity and Deposit Company of Maryland, claimants, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be repackaged and labeled in compliance with the law, under the supervision of the Food and Drug Administration.

**11844. Misbranding of pudding dessert powder. U. S. v. 150 Cases \* \* \*. (F. D. C. No. 20254. Sample Nos. 43945-H, 43946-H.)**

**LIBEL FILED:** June 19, 1946, Southern District of New York.

**ALLEGED SHIPMENT:** On or about May 18, 1946, by the F. W. Boltz Corp., from Los Angeles, Calif.

**PRODUCT:** 150 cases, each containing 6 16-pound cans, of pudding dessert powder at New York, N. Y.

**LABEL, IN PART:** "Pickwick Brand Pudding Butterscotch [or "Vanilla"] Flavor."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the design of two shields and the words "Packed under continuous inspection of the U. S. Department of Agriculture," which appeared on the can labels, were false and misleading as applied to articles which were not packed under continuous inspection of the U. S. Department of Agriculture.

**DISPOSITION:** September 19, 1946. The Embassy Grocery Corp., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for re-labeling under the supervision of the Federal Security Agency.

#### VITAMIN PREPARATIONS AND FOODS FOR SPECIAL DIETARY USES\*

**11845. Adulteration and misbranding of Cereal Lactic. U. S. v. Cereal Lactic Co., Inc., and LeRoy V. Porter, M. D., and Edward R. Hurlock. Pleas of guilty. Total fine \$200 and costs. (F. D. C. No. 21451. Sample No. 52718-H.)**

**INFORMATION FILED:** February 17, 1947, Southern District of Iowa, against the

\*See also No. 11754.

Cereal Lactic Co., Inc., Woodward, Iowa, and LeRoy V. Porter, M. D., vice president, and Edward R. Hurlock, secretary-treasurer.

**ALLEGED SHIPMENT:** On or about January 4, 1946, from the State of Iowa into the State of Ohio.

**LABEL, IN PART:** "Cereal Lactic Improved Vitamin."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), a valuable constituent, vitamin B<sub>2</sub> (G), had been in part omitted and abstracted from the article.

Misbranding, Section 403 (a), the label statements, "4 level teaspoonsful (0.4 Oz.) contain the following: \* \* \* Vitamin B<sub>2</sub> (G), 150 Sherman-Bourquin units \* \* \* 4 level teaspoonsful (0.4 Oz.) supplies the following as compared to the adult minimum daily requirements \* \* \* Vitamin B<sub>2</sub> (G), 0.2 times," were false and misleading since 4 level teaspoonsful (0.4 Oz.) of the article contained less than 150 Sherman-Bourquin units of vitamin B<sub>2</sub> (G) and would supply less than 0.2 times the adult minimum daily requirement for vitamin B<sub>2</sub> (G).

**DISPOSITION:** April 28, 1947. Pleas of guilty having been entered by the three defendants, the court imposed fines totaling \$200, plus costs.

**11846. Adulteration and misbranding of Sol-A-Min. U. S. v. Albert Hassman (Universal Products Co.). Motion for dismissal of the indictment denied. Plea of guilty. Fine, \$200 and costs. (F. D. C. No. 14286. Sample No. 50262-F.)**

**INDICTMENT RETURNED:** February 13, 1945, Northern District of Ohio, against Albert Hassman, trading as the Universal Products Co., Cleveland, Ohio.

**ALLEGED SHIPMENT:** On or about December 31, 1943, from the State of Ohio into the State of Pennsylvania.

**PRODUCT:** Analysis disclosed that the product consisted of organic material and small amounts of compounds containing calcium, phosphorus, iron, and iodine. The product contained less vitamin C and less calcium than declared on the label.

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (1), and misbranding, Section 403 (a).

The adulteration and misbranding charges were substantially the same as those reported in notices of judgment on foods, No. 11299, involving another shipment of Sol-A-Min, with the exception that the shipments reported herein were not deficient in vitamin B and iron, but were deficient in vitamin C and calcium.

**DISPOSITION:** March 31, 1947. The defendant's motion for the dismissal of the indictment having been denied, a plea of guilty was entered and the court imposed a fine of \$200, plus costs.

**11847. Adulteration and misbranding of Calbrite Calcium-Phosphorus Tablets and misbranding of Bextra Vitamin B<sub>1</sub> Tablets, Hi-Plex Vitamin B Complex Tablets, Organic Iron Tablets, and Ritamine Vitamin and Mineral Capsules. U. S. v. 354 Bottles, etc. (and a quantity of booklets, leaflets, and placards). (F. D. C. No. 21013. Sample Nos. 59448-H to 59450-H, incl., 59452-H to 59454-H, incl.)**

**LABEL FILED:** October 15, 1946, Western District of Washington.

**ALLEGED SHIPMENT:** Between the approximate dates of November 14, 1945, and June 25, 1946, by the American Dietetics Co., from Los Angeles, Calif., and Yonkers, N. Y.

**NATURE OF CHARGE:** Calbrite Calcium-Phosphorus Tablets. Adulteration, Section 402 (b) (1), a valuable constituent, vitamin D, had been in part omitted from the article. Misbranding, Section 403 (a), the label statements "Each Calbrite tablet supplies \* \* \* 150 U. S. P. Units Vitamin D" and "6 Calbrite tablets supply \* \* \* Vitamin D 900 U. S. P. Units" were false and misleading as applied to the article, since it would not supply the stated amount of vitamin D.

Bextra Vitamin B<sub>1</sub> Tablets. Misbranding, Section 403 (f), the declaration of the proportion of the minimum daily requirement for adults of vitamin B<sub>1</sub> was not prominently placed on the label with such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase and use, since the statement appeared upon the side panel and not upon the principal display panel of the label.