

pared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 30, 1948. Fujimoto & Co. having executed an acceptance of service and authorization for the taking of a final decree, judgment of condemnation was entered and the product was ordered destroyed.

12766. Misbranding of Makamix (sirup flavor). U. S. v. 40 Cartons * * *.
(F. D. C. No. 23362. Sample No. 82542-H.)

LABEL FILED: July 16, 1947, Western District of Washington. On September 24, 1947, the case was transferred to the Northern District of Indiana.

ALLEGED SHIPMENT: On or about November 3, 1946, by the Jel Sert Co., from Chicago, Ill.

PRODUCT: 40 cartons, each containing 12 5-ounce packages, of sirup flavor at Seattle, Wash.

LABEL, IN PART: "Makamix."

NATURE OF CHARGE: Misbranding, Section 403 (a), the following statements in the labeling were misleading: (Carton) "Make your own sirup with Makamix 5 packages makes 5 pints of delicious sirup"; (package) "Makamix for making delicious pancake and waffle sirup composed of dextrose"; and (pamphlet) "Makes 5 pints of delicious pancake or waffle sirup." These statements represented and suggested that the article would make table sirup when mixed with water, whereas the article would make a slightly sweetened artificially colored and flavored water solution of dextrose. Further misbranding, Section 403 (k), the article contained artificial flavoring and failed to bear labeling stating that fact.

DISPOSITION: December 20, 1947. The sole intervener having consented to the entry of the decree, judgment of condemnation was entered and the product was ordered delivered to a charitable institution, after being marked "Condemned as misbranded and not to be sold."

VITAMIN, MINERAL, AND OTHER PRODUCTS OF SPECIAL DIETARY SIGNIFICANCE*

12767. Adulteration of dietary aids. U. S. v. Frank W. Bower (Bower Family Laboratories). Plea of nolo contendere. Fine, \$100. (F. D. C. No. 20192. Sample Nos. 27852-H, 27853-H.)

INFORMATION FILED: November 20, 1946, Southern District of California, against Frank W. Bower, trading as Bower Family Laboratories, Sierra Madre, Calif.

ALLEGED SHIPMENT: On or about June 2, 1945, from the State of California into the State of Washington.

LABEL, IN PART: "Dex-Tro-Bese No. 11 A Dietary Aid," or "Dex-Tro-Special No. 20 A Dietary Aid."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents of the articles, calcium, phosphorus, and iron, had been in part omitted and abstracted from them. Four heaping teaspoonfuls of the articles were represented to contain 985 milligrams of calcium, 750 milligrams of phosphorus, and 17.50 milligrams of iron, whereas 4 heaping teaspoonfuls of the articles actually contained less calcium, phosphorus, and iron than represented.

DISPOSITION: December 23, 1946. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$50 on each count, a total fine of \$100.

12768. Adulteration and misbranding of brewer's yeast tablets and Bex. U. S. v. William T. Thompson Company, a Corporation, and William T. Thompson. Pleas of nolo contendere. Corporation fined \$4; William T. Thompson given suspended sentence and 5 years' probation, conditioned that he pay a fine of \$1,000 and donate a certain sum to charity. (F. D. C. No. 21528. Sample Nos. 30659-H, 30686-H.)

INFORMATION FILED: February 6, 1947, Southern District of California, against the William T. Thompson Co., a corporation, Los Angeles, Calif., and William T. Thompson, president.

ALLEGED SHIPMENT: January 16 and May 8, 1946, from the State of California into the State of Arizona.

*See also Nos. 12649, 12650.