

DISPOSITION: April 7, 1947. A plea of guilty having been entered, the court imposed a fine of \$300 on the count charging adulteration of the Cal-Vitaron tablets and a fine in the same amount on the remaining count charging adulteration of the Vitaroid tablets.

12998. Misbranding of Ramol. U. S. v. Benjamin Ostroff. Plea of nolo contendere. Fine, \$75 and costs. (F. D. C. No. 23234. Sample Nos. 52766-H, 53921-H, 53922-H, 60869-H.)

INFORMATION FILED: October 7, 1947, Western District of Pennsylvania, against Benjamin Ostroff, Pittsburgh, Pa.

ALLEGED SHIPMENT: On or about September 20 and October 1, 18, and 30, 1946, from the State of Pennsylvania into the State of Ohio.

LABEL, IN PART: "Ramol No. 350 U. S. P."

NATURE OF CHARGE: Misbranding, Section 403 (b), the article consisted of mineral oil, a nonnutritive substance, and it was offered for sale under the name of another food, salad oil, a nutritive substance; and, Section 403 (i) (1), the label of the article failed to bear the common or usual name of the article, i. e., mineral oil.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2296.

DISPOSITION: December 12, 1947. A plea of nolo contendere having been entered, the court imposed a fine of \$75, plus costs.

12999. Misbranding of Morgan preparations. U. S. v. 300 Bottles of Morgan 1 Tablets, etc. (F. D. C. No. 17437. Sample No. 2928-H.)

LABEL FILED: September 7, 1945, District of Columbia.

PRODUCT: 300 bottles of Morgan 1 tablets, 300 bottles of Morgan 2 tablets, 350 bottles of Morgan 3 capsules, 300 bottles of Morgan 4 tablets, 300 bottles of Morgan 7 capsules, 325 bottles of Morgan 9 tablets, and 350 bottles of Morgan 14 capsules, at Washington, D. C., together with a number of accompanying booklets entitled "Class Lesson Number One," "Class Lesson Number Two," "Class Lesson Number Three," "Class Lesson Number Four," and "New Bodies for Old." The products were held and intended for sale in commerce within the District of Columbia.

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements in the booklets were false and misleading.

The articles were alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2285, in which excerpts from the labels indicating the composition of the products are set forth, and the nature of the false and misleading claims is described.

DISPOSITION: Sarah I. Morgan, Baltimore, Md., appeared as claimant and filed an answer consenting to the destruction of the Morgan 14 capsules. The claimant consented also to the condemnation of the other products, but prayed for their release under bond. On November 8, 1945, judgment of condemnation was entered and it was ordered that the Morgan 14 capsules be destroyed and that the other products be released under bond for remanufacturing and relabeling under the supervision of the Food and Drug Administration. On June 14, 1946, and with the consent of the claimant, an amended decree was entered, ordering that all of the products, together with the accompanying booklets, be destroyed.

13000. Misbranding of Morgan preparations. U. S. v. 100 Bottles of Morgan 1 Tablets, etc. (F. D. C. No. 17461. Sample No. 10928-H.)

LABEL FILED: September 12, 1945, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about August 31, 1945, Sarah I. Morgan caused the Q-V Corporation to ship quantities of the Morgan preparations from Kalamazoo, Mich., to Pittsburgh, Pa.; and on or about September 10, 1945, Sarah I. Morgan caused J. T. Regardie to ship a number of booklets relating to the preparations from Silver Spring, Md., to Pittsburgh, Pa.

PRODUCT: 100 bottles of Morgan 1 tablets, 200 bottles of Morgan 2 tablets, 200 bottles of Morgan 3 capsules, 200 bottles of Morgan 4 tablets, 100 bottles of

Morgan 7 capsules, and 100 bottles of Morgan 9 tablets, at Pittsburgh, Pa., together with a number of accompanying booklets entitled "Class Lesson Number One," "Class Lesson Number Two," "Class Lesson Number Three," "Class Lesson Number Four," and "New Bodies for Old."

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements in the booklets were false and misleading.

The articles were alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 2286, in which is indicated the nature of the false and misleading claims involved.

DISPOSITION: On September 26, 1945, Sarah I. Morgan, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the products were ordered released under bond for relabeling under the supervision of the Federal Security Agency. On May 27, 1946, pursuant to the consent of the claimant, an order was entered providing for the destruction of the products.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 12801 TO 13000

PRODUCTS

	N. J. No.		N. J. No.
Anchovy paste	12918	Cream	12873
Asparagus, canned	12940	Dairy products	² 12872-12894
Ayds candy	¹ 12862	Dog food, canned	12902
Bakery products	12836-12843	Easter eggs, candy	12869
Beans, canned	12941-12944	Egg(s), yolks, dried	12901
with pork	12941	frozen	12900
green	12944	frozen	12895-12900
Mexican Style	12942, 12943	noodles	12850, 12851
Beer	12801-12804	Esterex, Cosco	² 12833, 12834
Beverages and beverage materials	² 12801-12835	Feeds and grains	12902, 12903
Blackberry preserves	12936	Fish and shellfish	12904-12910
Blueberries, canned	12921	Flavors. <i>See</i> Spices, flavors, and seasoning materials.	
Brazil nuts	12983	Flour	12844-12847
Bread and rolls	12836, 12837	Fruits and vegetables	⁵ 12808-12820,
Butter	³ 12872-12884	12822-12829, 12921-12932, 12985	
Cakes and cookies	12837-12841	fruit(s), canned	12921-12924
Cal-Vitaron tablets	12997	cocktail	12924
Candy	¹ 12857-12871	dried	12925
Cereals and cereal products	⁴ 12836-12855	frozen	12926-12932
Cheese	³ 12872, 12885-12892	miscellaneous fruit products	12808-12818,
Cherries, frozen	12926	12822-12829, 12932-12939	
Cherry beverage sirup	12821, 12832	tomatoes and tomato products	12819, 12820, 12959-12982
-pineapple marmalade	12935	vegetables and vegetable products	12940-12958, 12985
Chili pepper	12994	Ginger ale	12805
Clam chowder	12919	Grains. <i>See</i> Feeds and grains.	
nectar	12920	Grape(s), beverage	12808-12810
Coffee	12806, 12807	base	12812, 12830, 12831
Confectionery	¹ 12856-12871	frozen	12927
Corn, canned	12945	-fruit beverage base	12830
grits	12852	juice	12811
meal	12846	Grape-Ade beverage	12810
shelled	12853	Greens, turnip, canned	12958
Cosco Esterex	² 12833, 12834	Haddock fillets, frozen	12904
Crab cocktail	12911-12913		
meat	12908, 12909		

¹ (12862) Seizure contested. Contains opinion of the court.

² (12833, 12996) Seizure contested. Contains findings of fact and conclusions of law.

³ (12872) Preliminary injunction granted. Complaint dismissed upon evidence of compliance with law.

⁴ (12848) Prosecution contested.

⁵ (12819) Seizure contested. Contains opinion of Circuit Court of Appeals.