

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: September 1, 1948. W. H. Kirkwood & Son, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured for use as animal feed, under the supervision of the Food and Drug Administration.

13404. Misbranding of wheat germ. U. S. v. 12 Cases * * *. (F. D. C. No. 24852. Sample No. 43048-K.)

LIBEL FILED: May 20, 1948, Eastern District of Wisconsin.

ALLEGED SHIPMENT: On or about April 1, 1948, by Kretschmer Corp., from Carrollton, Mich.

PRODUCT: 12 cases, each containing 12 12-ounce jars, of wheat germ at Milwaukee, Wis.

LABEL, IN PART: (Jar) "One ounce of Kretschmer's Toasted Wheat Germ equals All of the following: [picture of a bowl presumably containing cereal] 4 oz. oatmeal (in B₁, for body tone), [picture of a beef steak] 1½ ozs. lean beef (in protein, for muscle building), [picture of a graham cracker] 3 Graham crackers (in calories, for energy), [picture of raisins] 4.6 ozs. raisins (in iron, for blood building)."

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements and designs on the jar label and in a circular entitled "Wheat Germ" inserted under the label of the jar were false and misleading. These statements and designs represented and suggested that the product was nonfattening; that the diets of individuals in this country are generally deficient in vitamin B₁; that the product would be effective in the prevention and treatment of loss of appetite, muscular weakness, low body temperature, and other serious physical and nerve disorders; that use of the product would insure normal health and would promote regular bowel activity; and that one ounce of the product was equal in food value to the total food value of the foods listed on the jar label. The product would not be efficacious for the purposes represented and suggested, and 1 ounce of the article was not equal in food value to the total food value of the various foods listed on the jar label.

Further misbranding, Section 403 (j), the product purported to be a food for special dietary uses by reason of its vitamin A, vitamin G, vitamin E, calcium, iron, and phosphorus content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of vitamin A, vitamin G, vitamin E, calcium, iron, and phosphorus supplied by the food when consumed in a specified quantity during a period of one day; and the need in human nutrition for vitamin E not having been established, its label failed to bear the statement that the need for vitamin E in human nutrition has not been established.

DISPOSITION: August 3, 1948. Default decree of condemnation. The product was ordered delivered to a charitable institution.

13405. Adulteration and misbranding of Dwarfies Wheatmix. U. S. v. 40 Cases * * *. (F. D. C. No. 24412. Sample No. 20852-K.)

LIBEL FILED: On or about February 6, 1948, Western District of Missouri.

ALLEGED SHIPMENT: On or about December 3, 1947, by Dwarfies Corp., from Council Bluffs, Iowa.

PRODUCT: 40 cases, each containing 18 packages, of Dwarfies Wheatmix at St. Joseph, Mo. Examination showed that the product contained less than 1 percent of wheat germ.

LABEL, IN PART: (Package) "Dwarfies Wheatmix My Favorite Breakfast Food Net Weight 1¾ Lbs."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), wheat germ had been omitted from the article.

Misbranding, Section 403 (a), the following label statements were false and misleading as applied to the article, which contained less than 1 percent of wheat germ: "The Added Wheat Germ gives it a Richer Wheat Flavor * * *