

On August 28, 1941, the United States attorney for the District of New Jersey filed a libel against 59 dozen cartons of gelatin at Newark, N. J., alleging that the article had been shipped on or about June 17, 1941, by Peter Cooper's Gelatine from New York, N. Y.; and charging that it was misbranded in that its container was so made, formed, or filled as to be misleading. The article was labeled in part: (Cartons) "Peter Cooper's Clarified Gelatine Jellies, Blanc Mange, Charlotte Russe \* \* \* Net Weight 1½ Ozs."

On November 18, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a local charitable organization.

**2993. Adulteration of bonita livers. U. S. v. 122 Cans of Bonita Livers. Consent decree of condemnation. Product ordered released under bond.** (F. D. C. No. 5417. Sample No. 63538-E.)

Portions of this product were found to be decomposed and putrid.

On August 20, 1941, the United States attorney for the Western District of Washington filed a libel against 122 5-gallon cans of bonita livers at Seattle, Wash., alleging that the article had been shipped by Parke, Davis & Co. from San Francisco, Calif., on or about July 30, 1941; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, and decomposed substance.

It also was alleged to be adulterated under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 560.

On September 10, 1941, Parke, Davis & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration. Subsequently all the cans containing the product were inspected and those found to be unfit were destroyed.

**2994. Misbranding of Earles Vital Vim. U. S. v. 8 Cases of Wheat Germ. Default decree of condemnation and destruction.** (F. D. C. No. 4770. Sample No. 47271-E.)

The labeling of this product contained false and misleading therapeutic claims.

On May 19, 1941, the United States attorney for the Northern District of Illinois filed a libel against 8 cases, each containing 24 18-ounce packages, of a product labeled "Earles Vital Vim \* \* \* Pure Wheat Germ" at Chicago, Ill., alleging that the article had been shipped by W. H. Earles Co. on or about April 25, 1941; and charging that it was misbranded.

The article was alleged to be misbranded in that statements in the labeling which represented that it was efficacious to restore and maintain health and vigor; that it would be efficacious in the prevention and treatment of overweight, underweight, fatigue, colitis, constipation, neuritis, arthritis, stomach troubles, indigestion, high blood pressure, hardening of the arteries, and sleeplessness; that it would be efficacious to strengthen the digestive organs, assist intestinal activity, and bring about good digestion and proper assimilation; and that it would be efficacious to soothe the nerves and improve the circulation, tone the arteries, invigorate the heart muscles and normalize blood pressure; and ward off or prevent common colds or grip, were false and misleading since it would not be efficacious for such purposes.

It was alleged to be misbranded also under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices.

On October 1, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**2995. Misbranding of Lishus. U. S. v. 19 Cases of Lishus. Default decree of condemnation and destruction.** (F. D. C. No. 4043. Sample No. 55692-E.)

This product was falsely labeled as an ideal baby food.

On April 11, 1941, the United States attorney for the District of Oregon filed a libel against 19 cases of Lishus at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about January 13, 1941, by Dr. Jackson Foods from Brooklyn, N. Y.; and charging that it was misbranded in

that the statement on the carton, "Lishus is an ideal baby food," was false and misleading since it was incorrect.

It was also alleged to be misbranded further under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 579.

On May 13, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**Nos. 2996 to 3000** report actions based on interstate shipments of Nature's Minerals (in tablet and in powder form) which, with the exception of one shipment, contained fluorine in amounts which might have rendered them injurious to health; and with the exception of the shipment described in No. 2998, bore false and misleading therapeutic claims in the labeling.

**2996. Adulteration and misbranding of Nature's Minerals Compound. U. S. v. Perry B. Smith and Thornton B. Smith (Nature's Mineral Co.). Pleas of guilty. Fines, \$200. (F. D. C. No. 4178. Sample Nos. 26127-E, 26128-E, 26483-E, 26484-E, 35031-E, 35032-E.)**

On October 27, 1941, the United States attorney for the Southern District of Indiana filed an information against Perry B. Smith and Thornton B. Smith, trading as Nature's Mineral Co., Indianapolis, Ind., alleging shipment from the State of Indiana into the States of Louisiana and Oregon, on or about August 26 and 29 and October 4, 1940, of quantities of Nature's Mineral Compound in powder and tablet form which was adulterated and misbranded.

The article was alleged to be adulterated in that it contained a poisonous substance, namely, fluorine, in an amount which might have rendered it injurious to health.

The shipment of August 29, 1940, was alleged to be misbranded in that statements appearing on the carton and bottle labels and the design in an accompanying circular of a hotel surrounded by palm trees underneath which appeared the words "Instead of \$200.00 or \$300.00 a Month," followed by an arrow showing a home underneath which were the words "You spend Only \$3.00 or 10¢ Per Day," and representations that the article could be used safely as an aid in supplying the minerals sometimes found deficient in the ordinary diet; that it would be efficacious in the treatment and alleviation of conditions for which a sojourn at a health resort is customarily prescribed; that the body normally requires the administration of alkaline substances to supplement those supplied by the usual and ordinary diet; that the effect of modern diet has been to modify the normal acid-alkali balance and, in cases of unbalance of the acid-alkali ratio, that the article would correct such unbalance; that it would restore health and prevent weakness; that the article was necessary to render the blood stream alkaline; that the ordinary diet is lacking in minerals and vitamins, which results in draining the system of its alkaline reserve; that it would correct the causes of flabby tissues and the effects of faulty elimination; that it would be efficacious to insure that the user would live to an advanced age without seeming old or losing his capacity to think or work; that it contained minerals which must be supplied specially; that it was needed for the proper functioning of important body processes; that the ordinary diet is deficient in minerals; that 99 percent of conditions of undernourishment are due to an acid condition and that it would enable every organ of the body to be nourished; that sickness, suffering, and shortness of life due to lack of minerals are general menaces; and that it would be efficacious to maintain or restore health, prevent loss of vitality, and remineralize the system, were false and misleading.

The remainder of the article was alleged to be misbranded further in that the statement appearing on the cartons and bottles, "Nature's Minerals \* \* \* May be used as an aid in supplying in concrete form the minerals sometimes found deficient in the ordinary diet," were false and misleading since they represented that it could be used safely as an aid in supplying the minerals sometimes found deficient in the ordinary diet; whereas it could not be used safely for such purpose because of the presence of fluorine in deleterious amounts.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 541.

On January 31, 1942, the defendants having entered pleas of guilty, the court imposed fines of \$150 against Perry B. Smith and \$50 against Thornton B. Smith.