

On March 14, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3220. Misbranding of cocoa. U. S. v. 11 Cases of Cocoa. Default decree of condemnation and destruction. (F. D. C. No. 6822. Sample Nos. 51338-E, 90571-E.)

Examination showed that this product was short weight and deficient in cocoa fat.

On February 7, 1942, the United States attorney for the District of Massachusetts filed a libel against 11 cases of cocoa at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about October 30, 1940, by Francis H. Leggett & Co. from New York, N. Y.; and charging that it was misbranded. It was labeled in part: "Plantation Brand Cocoa Plantation Extract Corporation New York City, N. Y., 5 Lbs. Net Wt."

The article was alleged to be misbranded in that the statement "5 Lbs. Net Wt." was false and misleading as applied to an article that was short weight; in that it was offered for sale under the name of another food since it was invoiced as breakfast cocoa, a product containing 22 percent of cocoa fat, and it contained only 15.72 percent of cocoa fat; and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

On April 27, 1942, no claimant having appeared, judgment of condemnation was ordered and the product was ordered destroyed.

VITAMIN PREPARATIONS

3221. Adulteration and misbranding of A. B. D. G. Capsules. U. S. v. 15,000 A. B. D. G. Capsules. Default decree of condemnation and destruction. (F. D. C. No. 6068. Sample No. 53409-E.)

These capsules, which were shipped in bulk package, were labeled "A. B. D. G. Capsules Improved," but subsequently a portion were repackaged and labeled "Hain Abgede Improved Vitamins." Each capsule was represented to contain 200 U. S. P. units of vitamin B₁, but examination showed that each one contained not more than 133 International Units (U. S. P. units) of vitamin B₁.

On October 24, 1941, the United States attorney for the Southern District of California filed a libel against 15,000 A. B. D. G. Capsules at Los Angeles, Calif., alleging that the article had been shipped on or about July 11, 1941, by the International Vitamin Corporation from Brooklyn, N. Y.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a valuable constituent, namely, vitamin B₁, had been in whole or in part omitted or abstracted therefrom. It was alleged to be misbranded in that the statement on the shipping carton, "200 vitamin B₁ units U. S. P.," was false as applied to an article that contained not more than 133 International Units of vitamin B₁ per capsule.

It was also alleged to be adulterated and misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 566.

On November 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3222. Misbranding of wheat germ. U. S. v. 219 Cans of Wheat Germ. Default decree of condemnation and destruction. (F. D. C. No. 6362. Sample No. 83181-E.)

The labeling of this product bore false and misleading representations regarding its value as a source of certain vitamins and minerals and its efficacy in the treatment of diseases and abnormalities of the body.

On December 9, 1941, the United States attorney for the Eastern District of Louisiana filed a libel against 219 cans of wheat germ at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about September 15, 16, and 24, 1941, by the Colonial Milling Co. from Nashville, Tenn.; and charging that it was misbranded. It was labeled in part: "Polly Rich Wheat Germ."

The article was alleged to be misbranded in that the following and similar statements, (label) "Contains Vitamins A-B-E-G * * * Four level tablespoons of Wheat Germ contain about the average daily requirement of Vitamin B"; and (circular, entitled "Polly Rich Wheat Germ Contains vitamins A-B-E-G," attached to retail package) "Nature's Own Tonic in Its Pure Virgin Wholeness" * * * The heart or embryo of the grain of wheat is known as 'Wheat