

It was alleged to be misbranded in that the statements regarding its vitamin content appearing on the label were false and misleading in that they represented and suggested that it contained not less than 12,750 International Units of vitamin A per ounce and not less than 1,800 International Units of vitamin D per ounce, and that three teaspoonfuls or 10 grams would provide the minimum requirement of vitamins A and D (and in one of the two shipments of B₁ and G also), whereas it contained substantially less than 12,750 International Units of vitamin A per ounce, i. e., the two shipments contained not more than 3,200 and 8,000 units, respectively, of vitamin A per ounce, and contained substantially less than 1,800 International Units of vitamin D per ounce, i. e., the two shipments contained not more than 360 units and 900 units, respectively, of vitamin D, and three teaspoonfuls or 10 grams of vitamin-enriched organic sea food per day would not provide the minimum requirement of vitamins A or D (or, as claimed with respect to one of the two shipments, of vitamins B₁ and G).

The article labeled "O. S. F. Vitamin Tablets" was alleged to be adulterated in that certain valuable constituents, namely, vitamins A and C had been in whole or in part omitted or abstracted from it.

It was alleged to be misbranded in that the statements regarding its vitamin content appearing on the label were false and misleading since they represented and suggested that the minimum vitamin content per 3½ grams or 7 tablets was not less than 8,000 International Units of vitamin A and not less than 600 International Units of vitamin C, whereas its minimum vitamin content per 3½ grams or 7 tablets was substantially less than represented, namely, not more than 127 International Units of vitamin A and not more than 283 International Units of vitamin C per 3½ grams or 7 tablets.

On June 27, 1942, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$150.

4244. Adulteration and misbranding of Asco Wheat Puffs. U. S. v. Jenks Food Co. Plea of nolo contendere. Fine \$25. (F. D. C. No. 7227. Sample No. 59067-E.)

On July 8, 1942, the United States attorney for the Eastern District of Pennsylvania filed an information against Jenks Food Co., a corporation, Chester, Pa., alleging shipment on or about September 30, 1941, from the State of Pennsylvania into the State of Maryland of a quantity of Asco Wheat Puffs which were adulterated and misbranded. The article was labeled in part: "New Vitamin Showered Enriched With 360 U. S. P. XI Vitamin D Per Ounce of Cereal."

It was alleged to be adulterated in that a valuable constituent, vitamin D, had been in part omitted or abstracted therefrom.

It was alleged to be misbranded (1) in that the statement "Enriched With 360 U. S. P. XI Vitamin D Per Ounce of Cereal" was false and misleading since it contained not more than 180 U. S. P. XI units of vitamin D per ounce, and (2) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

On October 12, 1942, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$25.

4245. Adulteration and misbranding of coconut milk. U. S. v. 70 Cans Radcliffe's Famous Soya Products. Default decree of condemnation and destruction. (F. D. C. No. 7136. Sample No. 63220-E.)

This product was a white powder having an odor and flavor of coconut and containing insect fragments and rodent hairs. The ingredient and net weight statements were inconspicuous.

On April 7, 1942, the United States attorney for the Western District of Washington filed a libel against 70 cans of Radcliffe's Famous Soya Products at Seattle, Wash., alleging that the article had been shipped in interstate commerce within the period from on or about October 4 to November 24, 1941, by Radcliffe's Famous Soya Products from San Francisco, Calif.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

It was alleged to be misbranded (1) in that the statements on the can label, "Famous Soya Products Energy Strength Vitality Tropical Coconut Milk Rich in Vitamins and Minerals Radcliffe's Coconut Milk * * * For Health Building. Especially indicated for sufferers from Colitis, Under Weight, Weak Stomach, Stomach Ulcers, Nerve Exhaustion, Sleeplessness, Convalescents," were false and misleading since it was not a famous soya product, was not coconut milk, was not rich in vitamins and minerals, and was not especially