

had been shipped in interstate commerce on or about November 27, 1942, by the Dina-Mite Food Co. from Spokane, Wash.; 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, a preparation of wheat, flax, and bran contaminated with rodent hairs and rodent excreta.

It was alleged to be misbranded in that the statements appearing on the label, "Good for Children \* \* \* real muscle and blood-building elements with all the proteins, carbohydrates, minerals and bulk \* \* \* Natural Laxative Food for Young and Old \* \* \* Kiddies won't need coaxing to eat Dina-Mite \* \* \* 'This is the only cereal of which the children ask for a second helping. Its a treat to them'," were false and misleading, since such statements failed to reveal the material facts that the roughage material which was contained in the article might be harmful to children and to old people by causing injury to the gastro-intestinal tract, and that the article contained no muscle and blood-building elements, proteins, carbohydrates, or minerals not found in the ordinary diet.

The article was alleged to be misbranded further in that it was represented as a food for special dietary uses by reason of the statement in its label, "\* \* \* Vitamin B<sub>1</sub> \* \* \* Natural Laxative Food for Young and Old \* \* \* Good for Children \* \* \* real muscle and blood building elements with all the proteins, carbohydrates, minerals and bulk," and its label failed to bear such information concerning its vitamin, mineral, and other dietary properties as had been prescribed by regulations and determined to be necessary in order to inform the purchaser fully as to its value for such uses, since the label did not declare all the special dietary properties upon which the special dietary use was based, i.e., the particular minerals and the presence of the non-nutritive substance, crude fiber, or the amount of such minerals and crude fiber, or a statement of the proportion of the minimum daily requirement for Vitamin B<sub>1</sub> supplied by the food when consumed in a specified quantity during a period of 1 day, as prescribed by the regulations.

On April 9, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**5091. Adulteration and misbranding of Wheatmix. U. S. v. 534 Cartons of Wheatmix. Default decree of condemnation and destruction. (F. D. C. No. 9379. Sample No. 3226-F.)**

On February 19, 1943, the United States attorney for the District of Nebraska filed a libel at Omaha, Nebr., against 534 cartons, each containing 1 $\frac{3}{4}$  pounds, of an article labeled in part "Dwarfies Wheatmix," alleging that the article had been shipped in interstate commerce or on or about January 29, 1943, by the Dwarfies Corporation from Council Bluffs, Iowa, and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that it consisted in part of filthy substances, rodent excreta, rodent hairs, larvae, and insect parts.

It was alleged to be misbranded in that the statement "25 Times More Vitamin-Rich Wheat Germ Than Whole Wheat," appearing on the label, was false and misleading since the article contained not more than nine times the wheat germ content of whole wheat. It was alleged to be misbranded further in that it was represented for special dietary use by reason of its vitamin B<sub>1</sub>, vitamin E, vitamin A, vitamin B<sub>2</sub>, iron, copper, calcium, iodine, and phosphorus content, and the label failed to bear such information concerning its vitamin and mineral properties as had been determined to be, and prescribed by regulations as necessary in order to fully inform the purchasers as to its value for such use, since its label failed to bear, as the regulations require, a statement of the proportion of the minimum daily requirement of vitamin A, vitamin B<sub>1</sub>, vitamin B<sub>2</sub>, iron, calcium, iodine, and phosphorus, and the amount of vitamin E and copper supplied by the quantity of said article customarily or usually consumed during the period of 1 day, or a quantity reasonably suitable for and practicable of consumption within such period; and it failed to bear a statement that the need for vitamin E in human nutrition had not been established.

On April 6, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**5092. Misbranding of wheat germ. U. S. v. 24 Cases of Wheat Germ. Consent decree of condemnation and destruction. (F. D. C. No. 9373. Sample No. 2555-F.)**

On February 15, 1943, the United States attorney for the District of Kansas filed a libel against 24 cases, each containing 12 20-ounce jars, of wheat germ at Kansas City, Kans., alleging that the article had been shipped in interstate com-