

On January 7, 1943, J. B. Roerig & Co., Chicago, Ill., claimant, having admitted the facts set forth in the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

5799. Misbranding of chocolate-flavored sirup. U. S. v. 90 Cases of Chocolate Flavor Syrup. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 10964. Sample No. 23475-F.)

On October 18, 1943, the United States attorney for the Eastern District of Pennsylvania filed a libel against 90 cases, each containing 12 jars, of chocolate-flavored sirup at Morristown, Pa., alleging that the article had been shipped on or about October 4, 1943, by the Energy Food Company, from Brooklyn, N. Y.; and charging that it was misbranded. It was labeled in part: "Enriched Vita-Lac Chocolate Flavor Syrup."

The article was alleged to be misbranded (1) in that the declaration, "1 Lb. 6 Oz. Net," on the label was false and misleading since the article was short-weight; (2) in that it was in package form and its label failed to bear an accurate statement of the quantity of contents in terms of weight; (3) in that certain statements appearing on the label and in the circular enclosed in the retail package were false and misleading since they represented and suggested that use of the article would result in resistance to disease, good teeth, proper bone formation, rich blood, physical and mental well-being, and normal health, and that it supplied nutritional factors ordinarily lacking in, or unobtainable from, ordinary foods, whereas the use of the article would not result in the effects suggested or implied, nor did it contain nutritional elements unavailable or difficult to obtain by consumption of ordinary foods; (4) in that it was represented as a food for special dietary use because of its vitamin A, vitamin D, calcium, and iron content and its label failed to bear such information concerning its vitamin and mineral properties as has been determined to be, and by regulations prescribed as, necessary in order fully to inform purchasers as to its value for such uses, since its label failed to bear, as the regulations require, a statement of the proportion of the minimum daily requirements of these food factors furnished by a specified quantity of the product when consumed as directed during a period of 1 day; and (5) in that it was offered for sale under the name of another food, since "Chocolate Flavor Syrup," which the article was represented to be, does not contain ingredients other than sugar sirup flavored with chocolate or cocoa.

On November 12, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

5800. Misbranding of Soy-O Soy Bean Cereal. U. S. v. 7% Cases of Soy-O Soy Bean Cereal. Product ordered destroyed. (F. D. C. No. 11063. Sample No. 8248-F.)

On November 8, 1943, the United States attorney for the District of Minnesota filed a libel against 7% cases, each containing 48 1-pound packages, of the above-named product at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about October 22, 1943, by the Fearn Soya Foods Company from Chicago, Ill.; and charging that it was misbranded. The article was labeled in part: "Dr. Fearn's Soy-O Soy Bean Cereal."

It was alleged to be misbranded in that certain statements appearing in its labeling were false and misleading because they represented and suggested that the article was exclusively a soybean product which would furnish all of the nutritive factors present in soybeans; and that it would provide all of the food values of a mixed diet containing milk, meat, eggs and whole wheat; and that it was effective to promote growth, to insure strong and healthy bodies, to improve digestion, to correct and prevent nervousness, illness, and irritability, and to supply the complete nutritional requirements of man, whereas the article was not exclusively a soybean product and would not furnish all of the nutritive factors present in soybeans, but contained a substantially greater proportion of wheat than soybeans; its use would not provide all of the food values of a mixed diet containing milk, meat, eggs and whole wheat; and it was not effective to accomplish the results stated and implied.

On January 29, 1944, no claimant having appeared, the product was ordered destroyed.