

DISPOSITION: April 10, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to local charitable institutions.

6585. Misbranding of Nog Vitamized Health Food. U. S. v. 136 Bottles of Nog Vitamized Health Food. Default decree of condemnation and destruction. (F. D. C. No. 11903. Sample No. 51819-F.)

LIBEL FILED: February 28, 1944, District of Massachusetts.

ALLEGED SHIPMENT: On or about November 11 and 24, 1943, by Nog, Inc., from Dunkirk, N. Y.

PRODUCT: 136 Bottles, each containing 1¼ pounds, of Nog Vitamized Health Food, at Boston, Mass.

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements on the label of the article which created the impression that use of the article would insure health, aid digestion, induce restful sleep, provide resistance to disease, and be of significant value in insuring growth, were false and misleading, since the article, when used as directed, would be of no special value for such purposes; and, Section 403 (j), it was represented as a food for special dietary uses by man by reason of its vitamin A, B, C, D and E content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements of vitamins A, B, C, and D and the quantity of vitamin E supplied by a specified quantity of the product when consumed during a period of 1 day, and a statement that the need for vitamin E in human nutrition has not been established.

DISPOSITION: March 27, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6586. Adulteration and misbranding of Nutraco No. 4. U. S. v. Amos Roe Beamon (Nutritional Aids Co.). Plea of guilty. Fine, \$260. (F. D. C. No. 10607. Sample No. 43925-F.)

INFORMATION FILED: On December 16, 1943, in the Southern District of California, against Amos Roe Beamon (Nutritional Aids Co.), Los Angeles, Calif.

ALLEGED SHIPMENT: February 13 and 25, 1943, from the State of California into the State of Missouri.

PRODUCT: Analysis showed that each tablet contained not more than 8.43 grains of dicalcium phosphate, and not more than 2.0 U. S. P. Units of vitamin C.

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (1), valuable constituents, dicalcium phosphate and vitamin C, had been in part omitted from the article since it purported to be and was represented to contain 10 grains of dicalcium phosphate per tablet and 100 International Units of vitamin C per tablet, whereas it contained smaller amounts of dicalcium phosphate and vitamin C.

Misbranding, Section 403 (a), the statements on the label, "Di-Calcium Phosphate 10 grains * * * Vitamin C 100 International Units," were false and misleading; Section 403 (i), the article was fabricated from two or more ingredients and its label did not bear the common or usual name of each ingredient since it contained an ingredient which was designated on the label as "Iso-tonic Compound," and its label failed to bear the common or usual name of the ingredient so designated; and, Section 403 (j), it purported to be and was represented for special dietary use by man by reason of its vitamin and mineral properties, and its label did not bear such information concerning the vitamin and mineral properties of the article as has been determined to be and by regulations prescribed as necessary in order fully to inform purchasers as to its value for such use, since its label did not bear a statement of the proportion of the minimum daily requirements for vitamins D and C and calcium and phosphorus which would be supplied by the article when consumed in a specified quantity during a period of 1 day.

DISPOSITION: On January 10, 1944, a plea of guilty was entered. On January 24, 1944, a fine of \$250 on count 2 and \$10 on count 3 was imposed.

6587. Adulteration and misbranding of concentrated orange juice. U. S. v. 49 Cases of Concentrated Orange Juice. Default decree of condemnation. Product ordered delivered to a Federal agency. (F. D. C. No. 11629. Sample No. 53614-F.)

LIBEL FILED: January 21, 1944, Northern District of Illinois.

ALLEGED SHIPMENT: On or about November 11, 1943, by Fruit Products of America, from Los Angeles, Calif.

PRODUCT: 49 cases, each containing 24 jars, of concentrated orange juice, at Chicago, Ill.

LABEL, IN PART: (Jars) "Four-in-One-Brand Concentrated California Orange Juice. Four Gallons Standardized Orange Juice Concentrated to One Contents 12 Fluid Ounces," or "Four-in-One-Brand Concentrated California Orange Juice. Three Pints Concentrated To Contents 12 Fluid Ounces * * * High in Vitamin 'C' content."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), orange juice which had been concentrated at the rate of approximately three parts of fresh orange juice to one part of concentrated orange juice had been substituted for the article, and in addition (portion), concentrated orange juice low in vitamin C content had been substituted for concentrated orange juice high in vitamin C content.

Misbranding, Section 403 (a), the statements in the labeling, (portion) "Four-in-One * * * Four Gallons Standardized Orange Juice Concentrated to One Contents 12 Fluid Ounces Makes Three Pints Orange Juice," and (portion) "Four-in-One * * * Three Pints Concentrated to Contents 12 Fluid Ounces * * * Add Water to Make Three Pints * * * High in Vitamin 'C' content," were false and misleading as applied to orange juice which had been concentrated at the rate of approximately three parts of fresh orange juice to one part of concentrated orange juice, and (portion) which was low in vitamin C content; and the statement "Contents 12 Fluid Ounces" was false and misleading as applied to the article, which was short volume; Section 403 (b), the article was offered for sale under the name of another food, "Four-in-One Concentrated Orange Juice"; and, Section 403 (e) (2), the article was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: March 17, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal agency, for its use and not for sale.

6588. Misbranding of peanut butter. U. S. v. Pacific Food Products Co. Plea of nolo contendere. Fine, \$750 and costs. (F. D. C. No. 11377. Sample Nos. 42854-F, 42878-F, 43116-F.)

INFORMATION FILED: On May 12, 1944, in the Western District of Washington, against the Pacific Food Products Co., a corporation, Seattle, Wash.

ALLEGED SHIPMENT: From on or about June 28 to August 21, 1943, from the State of Washington into the States of Idaho and Oregon.

LABEL, IN PART: "Sunny Jim Brand * * * Contents 2 Lbs."

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statement "Contents 2 Lbs." on the label of the article, was false and misleading as the article contained less than the declared weight; Section 403 (a), the statement on the label, "Processed Rich in Vitamin D", was false and misleading as applied to the article, which contained an inconsequential amount, if any, of vitamin D; Section 403 (e) (2), the article was in package form and did not bear a label containing an accurate statement of the quantity of the contents in terms of weight; and, Section 403 (j), it purported to be and was represented as a food for special dietary use by man by reason of its vitamin properties, and its label did not bear, as required by the regulations, a statement of the proportion of the minimum daily requirement for vitamin D which would be supplied by the food when consumed in a specified quantity during a period of 1 day.

DISPOSITION: May 29, 1944. A plea of nolo contendere having been entered, a fine of \$250 and costs on count 1, and \$250 on each of counts 2 and 3 was imposed.

6589. Adulteration and misbranding of Spark O'Life. U. S. v. 33 Cases of Spark O'Life. Tried to the court. Judgment for the Government. Decree of condemnation and destruction. (F. D. C. No. 10055. Sample No. 3706-F.)

LIBEL FILED: June 7, 1943, Northern District of Oklahoma.

ALLEGED SHIPMENT: On or about April 3 and 22, 1943, by the Kansas Milling Co., Wichita, Kans.

PRODUCT: 33 cases, each containing 12 1-pound bottles, of Spark O'Life, at Tulsa, Okla.

LABEL, IN PART: "Spark O'Life New Process, Sugar Coated Treated to Preserve the Rich Qualities of Wheat Germ." (Vignette of football player, baseball player, golfer, and swimmer.)