

**PRODUCT:** 52 cartons at Chicago, Ill., and 21 $\frac{1}{2}$  dozen packages of Bing's Compound and 263 circulars at Fort Wayne, Ind.

Analysis showed that the product consisted essentially of boric acid and less than 5 percent of salt. Sodium benzoate was absent.

**VIOLATIONS CHARGED:** Misbranding, Section 403 (a), the statement "Benzoate Soda .001," on the label of the retail package, was false and misleading since a portion of the product contained no benzoate of soda and the labeled amount of benzoate of soda would have no preservative effect; in addition, certain statements on the label of the retail package and in an accompanying circular entitled, "Bing's Compound Important Canning Instructions," created the misleading impression that the use of the article in the process of canning fruits and vegetables would be completely safe and would insure the prevention of souring and spoilage; that the articles would be safe for use in the home canning of vegetables, fruits, and juices, pieplant, pickles, and meats, and would prevent spoilage in the process of canning such foods; that the inflow of the air into a covered can filled with fruit or vegetables during the process of home canning was not irreparable and could be corrected by further securing the cover of the can by the application of melted wax; that a period of 20 minutes would be sufficient for the cooking of peas, string beans, shelled beans, corn, and tomatoes even though the cans were filled "very full"; and that the use of 12 level teaspoonfuls of Bing's Compound for 12 quarts in canning meats, mincemeat, chicken, or beef, would insure safe canning and the prevention of spoilage of the food so canned. The article, when used as suggested, would not be completely safe; it would not accomplish the purposes implied in the labeling; securing of the cover by the use of melted wax or any other device would not prevent spoilage by air which had already entered the cans; the period of 20 minutes is insufficient for the cooking of food in which the cans are filled "very full," because heat penetration would be rendered very slow by the fullness of the cans; and home canning of foods requires more than the carrying out of the directions contained in the labeling in order to prevent spoilage.

Further misbranding of the lot at Chicago, Section 403 (a), the statement "Bing's Compound \* \* \* Used with Fruits, Pickles, Meats and Vegetables," borne on the display cartons, was misleading since it failed to reveal the consequences which might result from the use of the article in pursuance of the directions contained in the circular, i. e., that the process of home canning directed by the circular would not insure the elimination of the causes of spoilage in home canning; and it failed to reveal that the quantities of boric acid, the principal ingredient of the article, which might be consumed when it was used as directed in the circular were such as may have rendered the article dangerous to health.

**DISPOSITION:** On February 7 and June 12, 1944, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

**6783. Misbranding of dried chicken soup mix with egg noodles. U. S. v. 71 Cases of Dried Chicken Soup Mix. Default decree of condemnation and destruction. (F. D. C. No. 11710. Sample No. 30308-F.)**

**LIBEL FILED:** January 25, 1944, Northern District of California.

**ALLEGED SHIPMENT:** On or about February 16, 1943, by the Merchants Shippers Association, from Chicago, Ill.

**PRODUCT:** 71 cases, each containing 12 9-ounce jars, of dried chicken soup mix at San Francisco, Calif.

**LABEL, IN PART:** (Jars) "West's Chicken Soup Mix with Egg Noodles \* \* \* Manufactured By Williams, West & Witt's \* \* \* Chicago, Ill."

**VIOLATION CHARGED:** Misbranding, Section 403 (a), the statement on the label, "Chicken Soup Mix," was misleading as applied to the product, which contained no chicken meat and little, if any, chicken extractives, and which owed its flavor, at least in part, to artificial flavoring.

**DISPOSITION:** May 20, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**6784. Misbranding of Wip. U. S. v. 30 Cases of Wip. Consent decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 11062. Sample No. 56832-F.)**

**LIBEL FILED:** On or about November 8, 1943, District of Connecticut.

**ALLEGED SHIPMENT:** On or about September 11, 1943, by the Home Products Sales Corporation (Taylor-Reed Corporation subsidiary), Mamaroneck, N. Y.

**PRODUCT:** 30 cases, each containing 16 dozen 1-ounce cartons, of Wip at East Hartford, Conn.

Examination showed that each carton contained a white, powdery substance in a paper bag; that the powder occupied on an average 37.3% of the carton; and that the bag and powder occupied only about half the volume of the carton.

**LABEL, IN PART:** (Carton) "Wip for whipping Light Cream Made of Vegetable Gum, Processed Cereal and Vegetable Products."

**VIOLATIONS CHARGED:** Misbranding, Section 403 (d), the container was so filled as to be misleading since the article occupied only about 37.3% of the capacity of the carton; and, Section 403 (i) (2), the product was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient since "Processed Cereal" and "Vegetable Products" were not the common names of the ingredients of the article.

**DISPOSITION:** May 24, 1944. The owner of the product having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

#### VITAMIN PREPARATIONS AND FOODS FOR SPECIAL DIETARY USES

**6785. Misbranding of Ademo Tablets. U. S. v. 70 Dozen Bottles of Ademo Tablets (and 1 other seizure action against the same product). Decrees of condemnation. Portion of product ordered destroyed; remainder ordered released under bond for relabeling.** (F. D. C. Nos. 10221, 11785. Sample Nos. 31063-F, 76304-F.)

**LIBELS FILED:** July 14, 1943, Western District of Washington; February 15, 1944, Southern District of New York.

**ALLEGED SHIPMENT:** From on or about March 2 to June 8, 1943, by the Ademo Corporation of America, Los Angeles, Calif.

**PRODUCT:** Ademo Tablets: 70 dozen bottles of various sizes at Seattle, Wash., and 361% dozen bottles of various sizes at New York, N. Y.

Examination and assays disclosed that the product was essentially of the composition stated on its label.

**LABEL, IN PART:** "Formulated from the Active Principle of Violet Ray Treated (Red Blood Cell Building) fraction of Desiccated, Raw Liver Extractive, Iron, Special Type Yeast, Concentrated Hemoglobin (Blood Powder), Milk Whey, Chlorophyll, Plus the following for each 6 tablets: H. P. Thiamin (B-1) \* \* \* 1200 I. U. H. P. Riboflavin (B-2) \* \* \* 3000 Micrograms Niacin \* \* \* 10,000 Micrograms Iron \* \* \* 20.24 Milligrams. Also minerals containing trace elements of Calcium, Chlorine, Magnesium, Sulphur, Potassium, Phosphorus and Pantothenic Acid as Naturally found in Yeast and Liver."

**VIOLATIONS CHARGED:** Misbranding, Section 403 (a), the statements in the labeling of the article which represented and suggested that it would build rugged red blood and insure strength, energy, and vibrant health were false and misleading since the article would not accomplish those results; and, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its calcium, chlorine, magnesium, sulfur, potassium, and phosphorus content, and its label failed to bear, as the regulations require, a statement of the proportion of the minimum daily requirement of calcium and phosphorus, and the quantity of chlorine, magnesium, potassium, and sulfur, furnished by a specified quantity of the article when consumed as directed during a period of 1 day.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in the notices of judgment on drugs and devices, No. 1122.

**DISPOSITION:** On November 8, 1943, no claimant having appeared for the product in the Washington lot, judgment of condemnation was entered and the product, including its labeling, was ordered destroyed. On May 22, 1944, Balanced Foods, Inc., New York, N. Y., claimant, having admitted the allegations of the libel against the New York lot, judgment of condemnation was entered and that lot was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

**6786. Adulteration and misbranding of Be Bex. U. S. v. Oxford Products, Inc., and Jerome H. Rose. Pleas of guilty. Fines of \$300 and costs against each defendant. Sentence against corporate defendant suspended.** (F. D. C. No. 9673. Sample No. 8706-F.)

**INFORMATION FILED:** On September 16, 1943, in the Northern District of Ohio, against Oxford Products, Inc., Cleveland, Ohio, and Jerome H. Rose, president of the corporation.