

VIOLATIONS CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances; and, Section 402 (a) (4), they had been held under insanitary conditions whereby they may have become contaminated with filth.

The articles, with the exception of the ground chicory, were also alleged to be adulterated under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices.

DISPOSITION: August 2, 1943. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

MISCELLANEOUS FOODS

6991. Adulteration of pancake mix, cake mix, doughnut mix, and waffle mix. U. S. v. 13 Drums of Flour Mixes. Default decree of condemnation and destruction. (F. D. C. No. 13352. Sample No. 75389-F.)

LIBEL FILED: August 18, 1944, Northern District of West Virginia.

ALLEGED SHIPMENT: From on or about January 26 to July 22, 1943, by the Doughnut Corp. of America, from Ellicott City, Md.

PRODUCT: 9 50-pound drums and 4 25-pound drums of flour mixes at Wheeling, W. Va.

LABEL, IN PART: "Egg Pancake Mix," "Downyflake Spice Cake Mix," or "Doughnut Mix," or "Waffle Mix."

VIOLATION CHARGED: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of a filthy substance by reason of the presence of larvae and insect fragments.

DISPOSITION: September 11, 1944. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

6992. Misbranding of soup mix. U. S. v. 1,390 Cases of Soup Mix. Default decree of condemnation. Product ordered delivered to charitable institutions. (F. D. C. No. 13213. Sample No. 75421-F.)

LIBEL FILED: August 9, 1944, Western District of New York.

ALLEGED SHIPMENT: On or about June 10, 1944, by the Wm. S. Scull Co., from Dayton, Ohio.

PRODUCT: 1,390 cases, each containing 48 boxes, of soup mix, at North Rose, N. Y.

LABEL, IN PART: "Minute Man Vegetable Soup Mix 1½ Oz. Net Manufactured by Alaska Pacific Salmon Co., Sodus, New York."

VIOLATION CHARGED: Misbranding, Section 403 (d), the container was so filled as to be misleading, since the soup mix occupied, on an average, less than 40 percent of the volume of the box.

DISPOSITION: October 24, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to various charitable institutions.

VITAMIN PREPARATIONS AND FOODS FOR SPECIAL DIETARY USES

6993. Misbranding of Bepep Concentrates (vitamin B food tablets). U. S. v. 198 Bottles and 336 Bottles of Bepep Concentrates, and a Number of Display Cards, Posters, and Pamphlets. Default decree of condemnation and destruction. (F. D. C. No. 11769. Sample Nos. 50309-F, 50310-F.)

LIBEL FILED: February 10, 1944, Northern District of Ohio. Amended libel filed June 19, 1944, to cover seizure of additional amounts of the article and to correct name of shipper.

ALLEGED SHIPMENT: On or about November 1, 1943, by the Bepep Sales Corp. Pittsburgh, Pa.

PRODUCT: 226 bottles, each containing 100 tablets, and 468 bottles, each containing 25 tablets, of Bepep Concentrates, and a number of display cards, posters, and pamphlets, at Youngstown, Ohio.

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements in the accompanying display cards entitled, "Bepep Highest Quality B Complex Vitamin Tablets," in posters entitled, "For More Nutrition . . . Supplement Your Rationed Food with Bepep", and in pamphlets entitled, "Keeping Fit with Bepep Vitamin Tablets," were false and misleading since they represented and suggested that three out of four people are not getting enough of the vitamins supplied by the article; that a modern well-balanced diet supplies an

inadequate amount of the vitamins of the B complex; that use of the article would correct or prevent weakness, nervousness, poor appetite, impaired growth, loss of hair, lack of vigor, pellagra, skin diseases, and fatigue, and insure growth, health, pep, vigor, beauty, and physical fitness; and that the article would supply all of the nutritional elements of meat, dairy products, vegetables, fruits, and eggs; and the statements which appeared on the label of the 25-tablet size package, "A day's supply of 3 tablets contains 27,140 micrograms," and "Other B-Complex factors in 5 grs. defatted, dehydrated wheat germ 3,250 micrograms," were misleading since they suggested that the article contained large amounts of nutritional factors and significant amounts of wheat germ, whereas it did not.

Further misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by man, by reason, in part, of its content of the vitamin substances pyridoxine hydrochloride and pantothenic acid, but its label failed to bear, as required by the regulations, the statement that the need for those vitamin substances in human nutrition has not been established; and, Section 403 (f), the information concerning the quantity, the common or usual name of the article, the ingredients therein, and its vitamin properties, required to appear in the labeling of the article, did not appear therein with sufficient prominence, as compared with other words, statements, designs, or devices in the labeling, to render it likely to be read by the ordinary individual under customary conditions of purchase and use, since the information was set forth inconspicuously on the back label of the bottle and failed to appear at all on the carton containing the 100-tablet size bottle.

DISPOSITION: July 11, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

6994. Misbranding of Bezon Whole Natural Vitamin B Complex. U. S. v. 312 Bottles and 156 Bottles of Bezon Capsules. Default decree of condemnation and destruction. (F. D. C. No. 11687. Sample No. 41426-F.)

LIBEL FILED: On or about February 1, 1944, Southern District of Texas.

ALLEGED SHIPMENT: On or about October 28, 1943, by the Nutrition Research Laboratories, from Chicago, Ill.

PRODUCT: 312 100-tablet size bottles and 156 30-tablet size bottles of Bezon Capsules at Houston, Tex.

VIOLATIONS CHARGED: Misbranding, Section 403 (a), the statements in the leaflet entitled, "Bezon Whole Natural Vitamin B Complex," which was shipped with the article, "Bezon * * * Contains All 16 Factors * * * What was formerly called Vitamin B is now known to be a group of 16 or more distinct vitamins—each with its specific job to do * * * Only in the Whole Natural Vitamin B Complex can all 16 vitamin B factors be obtained," were misleading in the absence of the material fact that 16 factors of vitamin B are not generally recognized by authorities in the vitamin field, and that of all the so-called vitamin B factors, only in the case of thiamine, riboflavin, and niacin has the need in human nutrition been established; the statements in the leaflet, and the pictures of organs of the body, accompanied by the words, "Heart," "Mouth," "Nervous System," "Skin," "Stomach," "Eye," and "Colon," were misleading since they created the impression that there is a special need of the human body for the vitamin B complex over that for other food elements, that the vitamin B complex in adequate amounts would not be supplied by ordinary foods alone, and that nervousness, fatigue, loss of appetite, chronic alcoholism, muscle weakness, constipation, skin disorders, dizziness, neuritis, and nutritional anemia are caused by deficiencies in vitamin B complex and would be remedied by the article; and the statements in the leaflet, "Note these Advantages of Bezon * * * Balanced—A proper balance—a natural balance between all the various factors," were misleading since they created the erroneous impression that the constituents of the article were proportioned so as to supply the various factors in a ratio exactly suited to the user's needs.

Further misbranding, Section 403 (a), the statements, "Bezon for Buoyant Health All factors of Natural Vitamin B Complex are essential for Optimum Nutrition," and "Bezon for Dynamic Energy All factors of Natural Vitamin B Complex are essential for Optimum Nutrition," borne on display cards shipped with the article, were misleading since use of the article would not restore nor maintain buoyant health and dynamic energy, and the need for many of the factors of natural vitamin B complex in human nutrition has not been established.