

8298. Adulteration and misbranding of High Potency Vitamin B Complex and misbranding of Pure Soy Bean Oil Lecithin. U. S. v. 3 Bottles of Pure Soy Bean Oil Lecithin, 10 Bottles of High Potency Vitamin B Complex, and a Number of Leaflets. Default decree of condemnation and destruction. (F. D. C. No. 16286. Sample Nos. 28381-H, 28383-H.)

LIBEL FILED: May 25, 1945, Western District of Washington.

ALLEGED SHIPMENT: From Los Angeles, Calif., by Ruth Clark Products. The products were shipped on or about March 9, 1945, and the leaflets were shipped on or about March 1, 1945.

PRODUCT: 3 13-ounce bottles of Pure Soy Bean Oil Lecithin, 10 100-tablet bottles of High Potency Vitamin B Complex, and a number of leaflets entitled "Ruth Clark Products," at Tacoma, Wash. Examination disclosed that the Pure Soy Bean Oil Lecithin was essentially a mixture of oil, such as soybean oil, and partially refined sugar syrup; and that the High Potency Vitamin B Complex Tablets consisted essentially of yeast, starch, kaolin, and very small amounts of dried parsley, dried kelp, dried dandelion leaf, and other organic matter, containing, per tablet, 23.8 milligrams of iron (or 2.20 grains of iron per 6 tablets).

VIOLATIONS CHARGED: Pure Soy Bean Oil Lecithin, misbranding, Section 403 (a), certain statements in the leaflets were false and misleading since they represented and suggested that lecithin is a substance essential in the nutrition of man; that ordinary diets supply an inadequate amount of lecithin; and that the article would be effective to correct or prevent lassitude, slackness, nervousness, insomnia, debility, and improper nerve functioning. Lecithin is not a substance essential in the nutrition of man; ordinary diets supply an adequate amount of lecithin; and the article would not be effective to correct or prevent the conditions and symptoms mentioned.

High Potency Vitamin B Complex, adulteration, Section 402 (b) (1), a valuable constituent, iron, had been in part omitted from the article. Misbranding, Section 403 (a), the following statement on the label of the article and in the leaflet, "Six tablets daily supplies * * * Reduced Iron 3 grains," was false and misleading as applied to a product which did not contain the stated amount of iron; and certain statements on the label and in the leaflet were false and misleading since they represented and suggested that the article supplied nutritionally significant amounts of vegetables, whereas the article did not supply nutritionally significant amounts of vegetables. Further misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its vitamin B₁, vitamin B₂, vitamin B₆, pantothenic acid, calcium pantothenate, niacin, iron, and filtrate factor content, but its label failed to bear, as the regulations require, a statement of the proportion of the minimum daily requirements of vitamin B₁, vitamin B₂, and iron furnished by a specified quantity of the product when consumed during a period of 1 day; and its label also failed to bear the required statement that the need in human nutrition for vitamin B₆, pantothenic acid, calcium pantothenate, and filtrate factor has not been established.

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

DISPOSITION: August 21, 1945. No claimant having appeared, judgment of condemnation was entered and the products, including the leaflets, were ordered destroyed.

8299. Misbranding of Pa-Poya. U. S. v. 12 Jugs and 5 Bottles of Pa-Poya. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 16127. Sample No. 2873-H.)

LIBEL FILED: May 9, 1945, District of Columbia.

ALLEGED SHIPMENT: From Miami, Fla., by the Tropical Fruits Laboratory.

PRODUCT: 12 1-gallon jugs of Pa-Poya, together with a quantity of the same product, repacked from gallon containers into 4 1-quart bottles and 1 1-pint bottle. The product was offered for sale while in possession of the Citrus Juice Co., Washington, D. C. Examination showed that the product was a clear liquid having an artificial fruit-type flavor and a burning taste. It contained not more than 4 milligrams of vitamin C per ounce, and possessed no digestive properties.

VIOLATIONS CHARGED: Misbranding (12-jug lot), Section 403 (a), the following label statements and design, "A taste of the Tropics Drink Papoya 'It will

bring you back' [picture of tree bearing papaya fruit] * * * made from the Tropical Melon, Papaya, including skin pulp and seeds * * * So rich in Natural Vitamins * * * C," were false and misleading as applied to an artificially flavored beverage containing no papaya pulp, seeds, or skin, nor characteristic papaya flavor, and providing a relatively inconsequential amount of vitamin C; and the label statements which represented and suggested that the article would be effective in the treatment, relief, or correction of indigestion, gastric disorders, irritated throats, children disorders, "morning after" disaster, stomach disorders, sore throat, eczema, acidosis, and many other ailments, were false and misleading since the article would not be effective in the treatment, relief, or correction of those conditions and diseases.

Misbranding (repacked lot), Section 403 (a), the following statements appearing on the labels furnished by the shipper and attached to the bottles containing the article, "A Tropical Fruit Beverage Concentrate containing the entire Papaya—pulp, * * * skin and seeds * * * As an aid to digestion or gastric disturbance," were false and misleading since the article did not contain the pulp, skin, or seeds of papaya and would not be effective as an aid to digestion or gastric disturbances.

Further misbranding (all lots), Section 403 (k), the article contained artificial flavor and failed to bear labeling stating that fact.

The article was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices.

DISPOSITION: August 21, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

8300. Misbranding of CeKelp. U. S. v. 35 Bottles of CeKelp and a Number of Circulars. Default decree of condemnation and destruction. (F. D. C. No. 16649. Sample No. 2656-H.)

LABEL FILED: On or about July 5, 1945, Southern District of West Virginia.

ALLEGED SHIPMENT: By the Dental Research Co., from St. Petersburg, Fla. The CeKelp and some of the circulars were shipped on or about February 15, 1945, and the other circulars were shipped at earlier dates.

PRODUCT: 35 bottles, each containing 500 5-grain tablets, of CeKelp at Huntington, W. Va.; also a number of circulars entitled, "Goiter," "Arthritis," "The Anemias," "The Common Cold," and "Ce-Kelp in Sickness and Health." Examination showed that the product consisted essentially of compressed powdered kelp.

LABEL, IN PART: (Bottles) "CeKelp a Vegetable Sea Food Kelp."

VIOLATIONS CHARGED: Misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its mineral content; but its label failed to bear, as required by the regulations, the names of the specific minerals and a statement of the minimum daily requirements of each mineral furnished by a specified quantity of the article when consumed 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 notices of judgment on drugs and devices.

DISPOSITION: August 8, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.