

10698. Misbranding of Pa-Po-Ya. U. S. v. 109 Bottles * * *. (F. D. C. No. 18017. Sample No. 2940-H.)

LABEL FILED: October 18, 1945, District of Columbia.

PRODUCT: 57 1-pint bottles, 44 1-quart bottles, and 8 1-gallon bottles of Pa-Po-Ya, held for sale in the District of Columbia in the possession of the Citrus Juice Co., Washington, D. C. Examination showed that the product was a sirup with a burning taste, and that it possessed no protein digestive properties.

LABEL, IN PART: "Pa-Po-Ya * * * A concentrate sirup (Tropical Laboratory Process) made from the Tropical Melon, Papaya, including skin, pulp and seed; sugars, inverted with fruit acid—added, honey, fruit and vegetable flavors * * * The Tropical Tree-Melon Papaya. So rich in Natural Vitamins A-B-C-G and ten minerals, plus a natural aid to digestion (Pa-pain)."

NATURE OF CHARGE: Misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by reason of its vitamin and mineral content; and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirements for vitamins A, B, C, and D, and the minerals, which would be supplied by the article when consumed in a specified quantity during a period of 1 day.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1727.

DISPOSITION: January 28, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered for the use of St. Elizabeth's Hospital, at Washington, D. C.

10699. Misbranding of Vitaminized Sodeom Tablets and various other drugs. U. S. v. 6 Bottles of Vitaminized Sodeom Tablets, etc. (F. D. C. Nos. 15710, 15718. Sample Nos. 4205-H, 4206-H, 4208-H, 4209-H, 28143-H to 28151-H, incl., 28153-H to 28155-H, incl., 28160-H.)

LABELS FILED: March 15 and 22, 1945, Eastern Districts of Pennsylvania and Washington.

ALLEGED SHIPMENT: Between the approximate dates of March 16, 1944, and January 23, 1945, by Mineralized Foods, Inc., from Baltimore, Md.

PRODUCT: 47 bottles of Vitaminized Sodeom Tablets, 57 bottles of Imported Sea Vegetation Tablets, 6 bottles of Vitaminized Imported Sea Vegetation Tablets, 26 bottles of Sea Vegecene (Powder), 18 bottles of Kalseom, 62 bottles of D-X Tablets, 44 bottles of Imported Sea Vegetable Tablets, 26 bottles of Ferrolene Tablets, 17 bottles of Sea-Vo-Kra Tablets, 5 bottles of FYA Tablets, 4 bottles of West-Aid Tablets, 10 bottles of Mar-Glo Tablets, and a number of accompanying booklets entitled "Excerpts from 'Diet Daily or Die Early'." The products were located at Philadelphia, Pa., and Yakima, Wash.

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements in the booklets were misleading.

The articles were alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1991, in which are quoted excerpts from the labels, indicating the composition of the products and the nature of the false and misleading claims.

DISPOSITION: On April 10, 1945, Mineralized Foods, Inc., claimant for the Philadelphia lot, having consented to the entry of a decree, judgment was entered finding the products misbranded by reason of the misleading statements in the booklets, and ordering them returned to the claimant. It was further ordered that the booklets be condemned and destroyed.

On June 12, 1945, Armstrong's Natural Food Center, Yakima, Wash., and Mineralized Foods, Inc., claimants for the Yakima lot, having consented to the entry of a decree, judgment was entered ordering the products released under bond for relabeling.

10700. Misbranding of Yogurt Culture. U. S. v. 9 Cartons of Yogurt Culture, and enclosed circulars. (F. D. C. No. 18262. Sample No. 23350-H.)

LABEL FILED: On or about November 9, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about September 27, 1945, by the Health Food Jobbers, from Chicago, Ill.

PRODUCT: 9 cartons, each containing 1 bottle, of Yogurt Culture at St. Louis, Mo., together with enclosed circulars entitled "Yogurt Culture A Health Aid." Examination indicated that the product was a culture of viable lactobacilli, as represented in its labeling.

LABEL, IN PART: "Rosell Institute's Original Yogurt Culture * * * International Yogurt Company, Los Angeles, California."

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements in the labeling of the article were false and misleading.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1729, in which is set forth the nature of the false and misleading claims referred to above.

DISPOSITION: November 29, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 10501 TO 10700

PRODUCTS

	N. J. No.		N. J. No.
Allen's Nijara Capsules	10695	Cream	10597-10599
Anchovies, salted	10611	of Nuts (spread)	10676
Apple(s)	10624	D-X Tablets	10699
canned	10613	Dairy products	10582-10599
pomace	10628	Effect-O Stabilizer	10518
Apricot(s), dried	10620	Eggs, dried	10600
puree	10629	frozen, whole	10601-10603
Asparagus, frozen	10633	shell	10604
Bakers starch	10565	Enriched flour	10545, 10546
Bakery products	10519, 10520	FYA Tablets	10699
Barley, ground	10551	Farina	10530
malt	10529	Ferrolene Tablets	10699
Beer	10511-10515	Fish and shellfish	10605-10612
Bevco Stabilizer	10518	505 Fermentation Inhibitor	10516
Beverages and beverage materials	10501-10518, 10654-10657, 10682	See also Stabilizer 505.	
Blueberries	10625	Flour	10527-10546
Brewers flakes	10552-10555	enriched	10545, 10546
grits	10556	Fruits and vegetables	10501-10510, 10613-10664
malt	10557	fruit(s), beverages	10504, 10506-10510
Butter	10582-10592	canned	10613-10619
Cake, fruit	10519, 10520	cocktail	10618, 10619
mix	10694	dried	10620-10623
Candy	10567-10575	fresh and frozen	10624-10626
Cereals and cereal products	10519-10566	miscellaneous fruit and fruit products	10627-10632
Cheddar cheese	10595	sirups	10501-10504
Cheese	10593-10596	tomatoes and tomato products	10651-10664
Cheddar	10595	vegetables and vegetable products	10633-10650
grated	10596	Grape-flavored concentrate	10501
Cherry-flavored concentrate	10501	beverage	10504, 10510
Chocolate coating	10576-10578	juice punch	10508, 10509
Chutney, India	10692	Green color	10693
Citrus peel	10631	Greens, turnip and mustard, canned	10647
Clams, minced, canned	10612	Grits, brewers	10556
Color for food uses	10693	soya	10566
Coriander, ground	10680	Hake fillets, frozen	10607, 10608
Corn, canned	10634	Harrison's beverage bases	10502-10504
flour	10528, 10529	beverages	10504
meal	¹ 10521-10528		

¹(10521) Prosecution contested.