

ALLEGED SHIPMENT: On or about October 17, 1944, from Barrington, Ill., by the Chain of Lakes Duck Farm.

PRODUCT: 140 100-pound bags of Singer's Earth Crust Minerals at Nixon, Tex., together with 4,000 circulars entitled "Singer's Earth Crust Minerals" and a placard headed "Livestock and Poultry Raisers."

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. 2248, in which are set forth the analysis of the article and the nature of the false and misleading statements referred to above.

DISPOSITION: May 9, 1947. E. A. Singer, Barrington, Ill., claimant, having consented to the entry of a decree, judgment was entered ordering that the product be released under bond, conditioned upon the destruction, or the changing and the reprinting, of the circulars and placard to conform with the law, under the supervision of the Food and Drug Administration.

11499. Misbranding of Sol-A-Min. U. S. v. 366 Packages * * *. (F. D. C. No. 20536. Sample Nos. 52567-H to 52569-H, incl.)

LABEL FILED: July 15, 1946, Western District of Kentucky.

ALLEGED SHIPMENT: On or about May 20 and June 10 and 11, 1946, by Universal Drug Products, Inc., from Cleveland, Ohio.

PRODUCT: 366 assorted 10-ounce and 12-ounce packages of Sol-A-Min at Louisville, Ky.

LABEL, IN PART: "Sol-A-Min A Vitamin and Mineral Dietary Supplement including Vitamin B Complex."

NATURE OF CHARGE: Misbranding, Section 403 (f), the common or usual name of each ingredient and the proportions of the minimum daily requirements for vitamins A, B₁, B₂, C, and D, and of the minerals calcium, phosphorus, iron, and iodine supplied by the article, and the amounts of niacin, vitamin B₆, and calcium pantothenate in the recommended daily intake, were not prominently placed on the label with such conspicuousness (as compared with other words, statements, designs, and devices on the label) as to render such information likely to be read and understood by the ordinary individual under customary conditions of purchase and use, since it was in small type, difficult to read, whereas the other statements and designs were prominently placed on the label.

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. 2059.

DISPOSITION: January 6, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11500. Misbranding of Vitawafers and Alkawafers. U. S. v. 3 Dozen Boxes * * *. (F. D. C. No. 12678. Sample No. 79542-F.)

LABEL FILED: June 12, 1944, District of Columbia.

ALLEGED SHIPMENT: On or about May 22, 1944, from San Francisco, Calif., by Arla Calve.

PRODUCT: 3 dozen boxes of Vitawafers and Alkawafers at Washington, D. C. Examination indicated that the articles had essentially the composition declared on the label, and that the Alkawafers would also provide calcium, phosphorus, and iron.

LABEL, IN PART: "Arla Calve Vitawafers and Alkawafers * * * 60 Vitawafers and 21 Alkawafers. Each vitamin contains Vitamin B₁, 100 Int. Units; vitamin B₂ (G), 50 micrograms; niacinamide, 500 micrograms; calcium pantothenate, 5 micrograms; pyridoxion (B₆), 51 micrograms; vitamin D, 100 Int. Units; plus irradiated yeast, cinnamon, succorose malt. Each Alkawafers contains: calcium gluconate, sodium bicarbonate, plus vegetable binder."

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements in circulars entitled "The Easy Weigh to Slenderness" and "Arla Calve Reducing Regimen," which were shipped with the articles, were false and misleading. These statements represented and suggested that the articles would be effective.

tive to cause loss of body weight, to compensate when used as directed for all dietary deficiencies that may result from diminished food intake, and to insure body vigor, health, and freedom from disease. The articles would not be effective for such purposes.

Further misbranding, Section 403 (j), (Alkawafers) the article purported to be and was represented as a food for special dietary uses by man by reason of its calcium, phosphorus, and iron content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirement of calcium, phosphorus, and iron supplied by a specified quantity of the product when consumed during a period of one day; and, Section 403 (f), the statement of ingredients required by Section 403 (i) (2) and the information regarding the vitamin and mineral properties of the respective articles, required by the regulations promulgated under Section 403 (j), were not prominently placed on the label of the articles with such conspicuousness as to render it likely to be read by the ordinary individual under customary conditions of purchase and use, since the information appeared inconspicuously on the side panels of the containers of the articles.

DISPOSITION: Arla Calve, claimant, having filed a motion for the removal of the case to the Northern District of California, a stipulation for such removal was entered into between the claimant and the United States Attorney, and the case was ordered removed on June 18, 1945. Following such removal, the claimant consented to the entry of a decree, and judgment of condemnation was entered and the products were ordered destroyed.

INDEX TO NOTICES OF JUDGMENT F. N. J. NOS. 11301 TO 11500

PRODUCTS

	N. J. No.		N. J. No.
Alkawafers and Vitawafers	11500	Cherries, canned	11407
Apple butter	11426	Chocolate	11352
Asparagus, canned	11430	coating	11353
frozen	11446	liquor	11354
Autry's Minerals	11497	nut fudge	11348
Bakery products	11314-11318	Clams, canned	11394
Bean(s), canned	11431, 11432	Codfish flakes, canned	11389
sprouts	11433	Cookies. See Cakes and cookies.	
dried, lima	11453	Corn meal	11319-11323
frozen, green	11447-11449	seed	11388
string	11450	Crab meat	11395-11399
Beer	11301, 11302	Cream	11378, 11379
Bevco Stabilizer	11313	Dairy products	^{1, 2} 11360-11380
Beverages and beverage materials	11301-11313, 11468	Date(s)	11410, 11411
Blackberries, canned	11405, 11406	confection	11428
frozen	11419-11422	Dog food	11387
Blueberries, fresh	11418	Dublegg (frozen egg product)	11385
Brazil nuts	11471	Egg(s), frozen	11381-11384
Bread	11314, 11315	product (Dublegg)	11385
Brewers flakes	11333	noodles	11331
Butter	¹ 11360-11371	Enriched flour	11328, 11329
Cakes and cookies	11316-11318	Farina	11335
Candy	11340-11351	Fats. See Oils and fats.	
Caviar	11393	Feeds and grains	11386-11388
Cereals and cereal products	11314-11339	Filberts, shelled	11471
Cheese	² 11372-11377	Fish and shellfish	11389-11404
Cheddar	11373	Flavors. See Spices, flavors, and seasoning materials.	
Gouda	11375	Flour	11324-11329
Swiss	11376, 11377	French Style Dressing	11487

¹ (11361) Prosecution contested.

² (11372) Permanent injunction issued.