

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, vitamin D, calcium, iron, and protein, had been in part omitted, in that 2 heaping teaspoonfuls (16.84 grams) of the product contained less than 400 U. S. P. units of vitamin D and less than 90 milligrams of calcium and 10 milligrams of iron, and the protein content of the product was less than 49.9% as claimed on the label.

DISPOSITION: August 13, 1948. A plea of nolo contendere having been entered, the defendant was fined \$250.

13887. Misbranding of Kevo Enurgets. U. S. v. W. H. Y. & Kevo Products Co., Ltd., and George M. Bartlett. Pleas of guilty. Imposition of sentence suspended for 1 year and defendants placed on probation for 1 year. (F. D. C. No. 24272. Sample Nos. 69068-H, 69069-H, 15309-K.)

INFORMATION FILED: August 12, 1948, Southern District of California, against W. H. Y. & Kevo Products Co., Ltd., a partnership, Los Angeles, Calif., and George M. Bartlett, a partner.

ALLEGED SHIPMENT: On or about May 15 and July 22, 1947, from the State of California into the State of Illinois.

LABEL, IN PART: "Kevo Enurgets A Delicious Near Chocolate Flavor Candy Energy-Food."

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements in the labeling represented and suggested that the product would be effective to supply energy and pep, to furnish maximum nutrition and lasting energy for people on the go, to give the user quick pick-up, to quickly build energy that lasts, to bring about mental and physical alertness, to take away tired feeling, to aid digestion, and to ease away nervous headaches. These statements were false and misleading since the product would not be effective for such purposes. Further misbranding, Section 403 (a), the statement "Kevo Enurgets contain Dehydrated, Powdered Whole Soy Bean; Germ of Whole Wheat; * * * Skim Milk, Barley Malt; Deep Sea Kelp; Mint Leaves; Rhubarb Plant; Spinach; Carrot; Celery" on the label of a portion and the statement "Kevo Enurgets contain Dehydrated, Powdered Whole Soy Bean; Germ of Whole Wheat; * * *; Barley Malt; Soy Milk; Deep Sea Kelp; Mint Leaves; Carrot; Celery; Calcium Carbonate; Iron; Phosphorus; Iodine" on the label of the remainder were misleading since the statements represented that the product contained significant amounts of the ingredients stated, whereas it did not, but consisted principally of sugar and dextrose.

Further misbranding, 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 the product contained sugar (sucrose) and, further, its label failed to declare the presence of sugar (sucrose).

Further misbranding (one shipment), Section 403 (j), the product purported to be and was represented as a food for special dietary uses by man by reason of its mineral content of calcium, iron, phosphorus, and iodine, and by reason of its vitamin content. Its label failed to bear such information concerning its vitamin and mineral properties as had been determined to be and by regulations prescribed as necessary in order to fully inform purchasers as to its value for such uses; its label failed to bear with respect to its vitamin properties a statement of the dietary properties upon which such use is based, a statement of the proportion of the minimum daily requirement for those vitamins for which minimum daily requirements have been established and which

would be supplied by the product when consumed in a specified quantity during a period of one day, and a statement of the amount of vitamins contained in the product for which minimum daily requirements have not been established; and its label failed to bear with respect to its mineral properties a statement of the proportion of the minimum daily requirement for calcium, iron, phosphorus, and iodine which would be supplied by the product when consumed in a specified quantity during a period of one day.

DISPOSITION: August 23, 1948. Pleas of guilty having been entered, imposition of sentence was suspended for 1 year and the defendants were placed on probation for that period of time.

88. Misbranding of Nova-Kelp. U. S. v. Johnstone Drug Sales Corp. and Frederick W. Clements. Pleas of nolo contendere. Fines of \$250 against each defendant. Payment of fine against corporation suspended. (F. D. C. No. 24236. Sample No. 39024-H.)

REL FILED: March 17, 1948, Western District of New York, against the Johnstone Drug Sales Corp., Rochester, N. Y., and Frederick W. Clements president.

ALLEGED SHIPMENT: Between the approximate dates of April 16, 1945, and March 20, 1947, from the State of New York into the State of Michigan.

REL, IN PART: "Nova-Kelp * * * A Deep-Sea Edible Plant * * * Sole Owners and Distributors Nova-Kelp Company, Ltd., Rochester, New York."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement "rich in * * * Calcium, Copper, Sodium, Magnesium, Potassium, Phosphorus" was false and misleading since the article was not rich in calcium, copper, sodium, magnesium, potassium, and phosphorus.

Further misbranding, Section 403 (j), the article purported to be and was represented for special dietary uses by man by reason of its mineral properties with respect to iodine, iron, calcium, copper, sodium, magnesium, potassium, and phosphorus. Its label failed to bear as required by regulations a statement of the proportion of the minimum daily requirements for calcium, phosphorus, iodine, and iron which would be supplied by the article when consumed in a specified quantity during a period of one day; and its label failed also to bear as required by regulations a statement of the quantity of copper, sodium, magnesium, and potassium in a specified quantity of the article, which quantities are the amounts customarily and usually consumed during a period of one day, or quantities reasonably suitable for and practicable for consumption in such period.

DISPOSITION: August 9, 1948. Pleas of nolo contendere having been entered, the court imposed a fine of \$250 against each defendant. Payment of the fine against the corporation was suspended.

889. Misbranding of saccharin tablets. U. S. v. National Specialty Co. Plea of nolo contendere. Fine, \$100. (F. D. C. No. 23570. Sample Nos. 54108-H, 54109-H, 55101-H.)

REL INFORMATION FILED: October 21, 1947, Middle District of Tennessee, against the National Specialty Co., a partnership, Nashville, Tenn.

ALLEGED SHIPMENT: On or about October 19 and December 31, 1946, from the State of Tennessee into the States of Georgia and Indiana.