

579. Misbranding of Lishus and Bekus Puddy. U. S. v. 19 Cases of Lishus and 18 Cases of Bekus Puddy. Default decree of condemnation and destruction. (F. D. C. No. 4043. Sample Nos. 55692-E, 55693-E.)

On April 7, 1941, the United States attorney for the District of Oregon filed a libel against the above-named products at Portland, Oreg., alleging that the articles had been shipped in interstate commerce on or about January 13, 1941, by Dr. Jackson Foods from Brooklyn, N. Y.; and charging that they were misbranded.

Analyses of samples of the articles showed that they consisted essentially of flaxseed, rice, rice polishings, wheat, and wheat bran.

Both articles were alleged to be misbranded (1) in that the statement on the carton, "If troubled with Acid Stomach or fermentation, etc., do not use sugar,—Cook raisins or dates in with the cereal if sweet is required," was false and misleading since with or without raisins or dates they did not constitute an adequate treatment for acid stomach, fermentation, etc.; (2) in that the pictures of a robust man accompanied by the legends "Dr. Jackson at 80," and "Photo of Robert G. Jackson, M. D., at 60," were false and misleading since use of the articles could not be depended upon to produce or maintain robustness; and (3) in that statements appearing in a leaflet entitled "Service Bulletin #13," which represented that they were especially designed to relieve constipation and get rid of its cause by natural means; that it would furnish sufficient roughage to stimulate muscular activity of the bowels and that it would furnish enough minerals to stimulate and support nervous control of those muscles and keep them on the job until the waste had been discharged; and cause three to five evacuations a day in a person ordinarily having but two movements a week, were false and misleading since the articles would not be efficacious for such purposes.

Lishus was also alleged to be misbranded further under the provisions of the law applicable to foods, as reported in F. N. J. No. 2995.

On May 13, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

580. Misbranding of Quaker Puffed Wheat Sparkies. U. S. v. 154 Cases of Quaker Puffed Wheat Sparkies. Default decree of condemnation. Product ordered delivered to a Federal institution. (F. D. C. No. 4966. Sample No. 47829-E.)

This product was falsely labeled regarding its vitamin content and its therapeutic qualities.

On June 23, 1941, the United States attorney for the Eastern District of Michigan filed a libel against 154 cases, each containing 24 4-ounce packages, of Quaker Puffed Wheat Sparkies at Detroit, Mich., alleging that the article had been shipped by the Quaker Oats Co. from Cedar Rapids, Iowa, on or about March 18, 1941; and charging that it was misbranded. It was labeled in part: (Box label) "The 'Vitamin Rain' Breakfast Food."

The article was alleged to be misbranded in that designs, devices, and statements in the labeling were false and misleading since they created the impression that it contained vitamins A, B₁, C, D, and G in consequential amounts, and that it would be effective in preventing colds and infections, in producing healthy nerves, normal growth, good teeth, strong bones, and other desirable attributes; whereas it contained no vitamins A or C and only inconsequential amounts of vitamins B₁ and G, and it would not be effective in preventing colds and infections, nor in producing healthy nerves, normal growth, good teeth, strong bones, and other desirable attributes.

It was also alleged to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

On December 3, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a nearby Federal institution.

581. Misbranding of thiamin chloride B₁. U. S. v. 239 Bottles of Thiamin Chloride B₁ with Accompanying Labeling. Default decree of condemnation. Product ordered distributed to local hospitals. (F. D. C. No. 4826. Sample No. 50234-E.)

On May 24, 1941, the United States attorney for the District of Maryland filed a libel against 239 bottles, each containing 100 tablets, of thiamin chloride B₁ at Baltimore, Md. (on June 4, 1941, the libel was amended to include accompanying labeling), alleging that the article had been shipped by Geo. M. Beringer, Inc., from Camden, N. J., on or about November 11, 1940; and charging that it was misbranded in that representations in the labeling regarding its efficacy in the correction of the alcoholic habit, nervous indigestion, nervous headaches, and neuralgic pain, were false and misleading since it would not be efficacious for such purposes.