

greater value than it was. It was alleged to be misbranded in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents.

The white pepper was alleged to be adulterated in that a substance, pepper containing added starch, had been substituted wholly or in part for pepper, which it purported to be; and in that starch had been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength.

On September 4, 1941, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

MISCELLANEOUS

2547. Misbranding of Kresto. U. S. v. 735 Cases and 226 Cases of Kresto. Consent decree of condemnation. Product ordered released under bond for salvaging. (F. D. C. No. 3688. Sample Nos. 44142-D, 44143-D.)

This product was a mixture of sugar, cocoa, malt, and possibly a small amount of skim milk. Its labeling failed to bear a statement of ingredients.

On January 27, 1941, the United States attorney for the District of Puerto Rico filed a libel against 961 cases of Kresto at San Juan, P. R., alleging that the article had been shipped in interstate commerce on or about December 5, 1940, by Bestov Products, Inc., from Long Island City, N. Y.; and charging that it was misbranded.

The article was alleged to be misbranded in that the following statements in the labeling were false and misleading since they represented that it was efficacious for the purposes recommended; whereas it was not efficacious for such purposes: (Cans and cases, translated from Spanish) "Health Energy * * * An extract of the most nutritive foods of nature: * * * It is very rich in vitamins * * *. Kresto aids the digestion of other foods and taken before going to bed it produces a tranquil and restorative sleep. Kresto is a food prepared especially for nourishing the organism with the minimum of digestive effort. Kresto contains in correct proportion all the substances necessary for strengthening the brain, nourishing the bones, increasing the red corpuscles in the blood, building up the tissues, creating strong muscles and firm flesh. Kresto is a powerful generator of energy. * * * Alimentary value: 43 calories to each teaspoonful. It contains carbohydrates, proteins, fats and mineral substances; (cans in 735 cases only) "Take Kresto 3 times a day for health and energy." It was alleged to be misbranded further in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On August 5, 1941, F. Freiria S. en C., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

2548. Misbranding of gelatin. U. S. v. 203 Cases of Gelatin. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 4693. Sample Nos. 40349-E, 40350-E.)

The labeling of this product bore false and misleading representations concerning its value for reducing fatigue and increasing energy and endurance.

On May 8, 1941, the United States attorney for the District of New Jersey filed a libel against 203 cases of gelatin at Camden, N. J., alleging that the article had been shipped in interstate commerce on or about March 20 and April 16, 1941, by the Charles B. Knox Gelatine Co., Inc., from Johnstown, N. Y.; and charging that it was misbranded.

The article was alleged to be misbranded in that the following designs, devices, and statements appearing in the circular accompanying both shipments and further and similar statements, designs, and devices in a booklet accompanying one of the shipments, concerning the value of the product for avoiding fatigue and increasing energy and endurance, were false and misleading: "How Knox Gelatine Works For You! * * * For Endurance [vignette of pamphlet entitled 'Fatigue And the New Way to Avoid It' and portraying pictures of individuals engaged in various physical activities] * * * The New Use For Knox Gelatine * * * The Knox Gelatine diet is being adopted by men and women all over the country who report that it really works. Hundreds of people who have completed 28-day occupational group tests have reported that Knox Gelatine has reduced fatigue to a significant degree. This is not theory. It is based upon carefully collected reports of men and women whose

work makes strenuous demands on mental and physical endurance. If you could use more endurance, try the Knox Gelatine endurance diet, yourself. Have members of your family try it. * * * Ask people to try Knox Gelatine for greater endurance * * *. How To Take Knox Gelatine For More Endurance—Less Fatigue * * * Stock the new 32-envelope economy package and make the Knox Endurance Routine easy for your customers. * * * Answering Your Customers Question About Knox Gelatine * * * The latest research development—and the most wide-spread—is the use of Knox Gelatine in building endurance and resistance to fatigue. Booklets on Knox Gelatine for greater endurance * * * are available on request.”

The article was also alleged to be misbranded in violation of the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 497.

On August 15, 1941, the Charles B. Knox Gelatine Co., Inc., having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that the circulars and booklets be removed from the packages under the supervision of the Food and Drug Administration.

2549. Adulteration and misbranding of R M Dietary Supplements Vitamin A and D. U. S. v. 38 Bottles of R M Dietary Supplements Vitamin A and D. Default decree of condemnation. Product ordered distributed to hospitals. (F. D. C. No. 4304. Sample No. 8319-E.)

This product was represented to contain 3,140 International Units of vitamin A and 314 International Units of vitamin D per tablet, but contained not more than 30 U. S. P. units of vitamin A and not more than 150 U. S. P. units of vitamin D. (By definition, 1 U. S. P. unit of vitamin A or D is equivalent to 1 International Unit of the same vitamin.) A large core of cotton extended more than half way to the bottom of the bottle and tablets surrounded the cotton. When the cotton was removed, the tablets filled the bottle approximately half full.

On April 12, 1941, the United States attorney for the District of Minnesota filed a libel against 38 bottles of the above-named product at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about November 2, 1940, by Ryer Mouser from Los Angeles, Calif.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that valuable constituents, namely, vitamins A and D, had been wholly or in part omitted or abstracted therefrom.

It was alleged to be misbranded in that the following statements on the label were false and misleading: “Each Tablet Contains Vitamin A from fish liver oil * * * 3140 I. U. Vitamin D from fish liver oil 314 I. U.” It was alleged to be misbranded further in that its container was so filled as to be misleading.

It was also alleged to be adulterated and misbranded under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 477.

On May 29, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to hospitals chosen by the marshal in his discretion.

2550. Adulteration and misbranding of Ace High Effervescent Preparation. U. S. v. 14 Cases of Ace High Effervescent Preparation. Default decree of condemnation and destruction. (F. D. C. No. 3117. Sample No. 33399-E.)

This product contained borax, an added poisonous or deleterious substance. Furthermore, the labels did not bear the required ingredient statement, and those of a portion falsely stated the presence of citric acid.

On October 2, 1940, the United States attorney for the District of Connecticut filed a libel against 14 cases, each containing 24 jars, of Ace High Effervescent Preparation at New Haven, Conn., alleging that the article had been shipped on or about August 30, 1940, by Premium Color Works from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: (Jars) “Ace High Effervescent [or “Effervescent Preparation”] * * * Net 4 Ozs. Packed For The Pepe-Maisano Co. New Haven, Conn.”

The article was alleged to be adulterated in that it contained an added poisonous or deleterious substance, borax, which was unsafe within the meaning of the law.

It was alleged to be misbranded in that the words “citric acid” in the statement of active ingredients on some of the labels were false and misleading since citric acid was not present; and in that it was fabricated from two or more ingredients and did not bear the common or usual name of each of the ingredients.

On February 21, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.