and 5 6-pound cartons of cayenne pepper at Newark, N. J., alleging that the articles had been shipped in interstate commerce within the period from on or about January 11 to on or about April 26, 1941, by Sure Rise Baking Powder Co. from New York, N. Y.; and charging that they were adulterated and misbranded.

The articles were alleged to be adulterated (1) in that paprika and pepper containing added cornstarch and artificial color had been substituted wholly or in part for paprika and cayenne pepper, respectively, which they purported to be; (2) in that inferiority had been concealed by the addition of artificial color; and (3) in that cornstarch and artificial color had been added thereto or mixed or packed therewith so as to increase their bulk or weight, reduce their quality or strength, or make them appear better or of greater value than they were.

They were alleged to be misbranded (1) in that the statements "Imported Sweet Paprika," "Pure Imported Paprika," "Pure Imported Sweet Paprika," and "Pure Cayenne Pepper," borne on the labels, were false and misleading as applied to articles containing added cornstarch and artificial color; (2) in that they were offered for sale under the names of other foods; (3) in that they were imitations of other foods and their labels failed to bear in type of uniform size and prominence the word "imitation" and, immediately thereafter, the names of the foods imitated; (4) in that they were in package form and did not bear labels containing the name and place of business of the manufacturer, packer, or distributor; (5) in that they were fabricated from two or more ingredients and their labels failed to bear the common or usual name of each ingredient; and (6) in that they contained artificial coloring and did not bear labeling stating that fact.

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

2985. Adulteration of ginger root. U. S. v. 47 Bags of Ginger. Consent decree of condemnation. Product ordered released under bond to be converted into an inedible product. (F. D. C. No. 6356. Sample No. 67714–E.)

Examination showed that this product contained worm holes and further evidence of insect infestation.

On December 4, 1941, the United States attorney for the Western District of Tennessee filed a libel against 47 bags containing 5,229 pounds of ginger at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about September 6, 1940, by J. R. Watkins Co. from Newark, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

It also was alleged to be adulterated under the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 562.

On February 27, 1942, J. R. Watkins Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be converted under the supervision of the Food and Drug Administration into an inedible product.

VITAMIN PREPARATIONS

2986. Adulteration and misbranding of Adiron. U. S. v. 20 Bottles, 16 Bottles, and 600 Sample Packages of Adiron. Default decree of condemnation and destruction. (F. D. C. No. 4252. Sample Nos. 60557–E, 60558–E.)

This product was deficient in vitamin A and its label bore false and misleading claims regarding its efficacy in the treatment of anemia.

On April 9, 1941, the United States attorney for the Eastern District of Washington filed a libel against 20 bottles each containing 60 tablets, 16 bottles each containing 250 tablets, and 600 sample packages of Adiron at Spokane, Wash., alleging that the article had been shipped in interstate commerce on or about February 5 and March 7, 1941, from Chicago, Ill., by the Lawrence Laboratories; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a valuable constituent, namely, vitamin A, had been in whole or in part omitted or abstracted therefrom.

It was alleged to be misbranded (1) in that the statement appearing on the label, "Adiron * * * Tablets, each contain * * * 1200 U. S. P. XI Units Vitamin 'A,'" was false; (2) in that the following statements appearing in the labeling, "Adiron is guaranteed to carry these minimum potencies per average tablets: 1,200 USP XI Units Vitamin 'A'" and "This core is the concentrate of the vitamins, equivalent in vitamins 'A' and 'D' to one-half teaspoonful of fresh U. S. P. standard cod liver oil," were false when applied to an article

which contained only 67 U. S. P. units of vitamin A per tablet; and (3) in that statements, designs, and devices in the labeling which represented that it would be efficacious in the treatment of nutritional (secondary) anemia, that it would make new blood and improve and maintain the health, were false and misleading since it could not be relied upon to produce the effects claimed.

It was also alleged to be adulterated and misbranded in violation of the provisions of the law applicable to drugs, as reported in D. D. N. J. No. 567.

On May 26, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2987. Adulteration and misbranding of Bio Vita Vitamin Oil. U. S. v. 23 Gallon Cans of Bio Vita Vitamin Oil. Default decree of condemnation and destruction. (F. D. C. No. 4378. Sample No. 60505-E.)

Biological examination of this product showed that it contained not more than 175 U. S. P. units of vitamin D per gram; whereas it was labeled as containing 250 U. S. P. units of vitamin D per gram. It also contained false and misleading claims in the labeling.

On April 21, 1941, the United States attorney for the District of Massachusetts filed a libel against the above-named product at Lexington, Mass., alleging that it had been shipped by Bioproducts, Inc., from Astoria, Oreg., on or about February 11, 1941; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a valuable constituent, namely, vitamin D, had been in whole or in part abstracted therefrom.

It was alleged to be misbranded in that the following statements on the label were false and misleading since it would not be efficacious for such purposes: "250 USPXI Units Vitamin D per gram * * * Vitamin A is important to good fur, to build resistance to respiratory diseases, to insure good breeding, to promote growth, to prevent urinary calculi. Aids in maintaining good skin condition."

The article 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. 570.

On July 8, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2988. Adulteration and misbranding of DPS Formula No. 54. U. S. v. 35 Bottles of DPS Formula No. 54. Default decree of condemnation and destruction. (F. D. C. No. 6025. Sample No. 61376-E.)

Examination of this product showed that it was approximately 50 percent deficient in vitamins A, C, and D.

On October 21, 1941, the United States attorney for the District of Oregon filed a libel against 35 bottles, each containing 80 DPS Formula No. 54 tablets, alleging that the article had been shipped on or about July 7 and August 20, 1941, by Dartell Laboratories from Los Angeles, Calif.; and charging that it was adulterated and misbranded.

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

It was alleged to be misbranded: (1) In that statements appearing on the label, "Each Tablet Contains * * * Vitamin D . . . 700 USP XI Units, Vitamin C . . . 100 International Units, Vitamin A . . . 1000 International Units," were false and misleading since it contained less than the stated amounts of vitamins A, C, and D. (2) In that the following words and device appearing on the label, "DPS Formula No. 54," were false and misleading since they referred and related to the statement "DPS Formula No. 54 . . . Indications: Hyperacidity, Nervousness, Low blood calcium, Moist type skin disorders, Pregnancy and lactation, Soft teeth and bone, Respiratory disorders, Asthma, Sinusitis, Tuberculosis," appearing in a certain catalog entitled "Dartell Formulae" distributed by the consignor and in the possession of the consignee, whereby said words and device suggested and represented that the article was an adequate and effective remedy for the conditions enumerated in the catalog; whereas it was not an adequate and effective remedy for such conditions. (3) In that it was fabricated from two or more ingredients and the label failed to bear a list of such ingredients by their common or usual names.

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. 564.

On December 16, 1941, no claimant having appeared, judgment of condemnation was entered and the product was order destroyed.