

On May 21, 1942, the L. H. Stewart Corporation, claimant, having admitted that the allegations of the libel were substantially correct, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of the Food and Drug Administration.

3841. Misbranding of Vita-Port Vitamin B₁ Tonic. U. S. v. 141 Bottles of Vita-Port Vitamin B₁ Tonic. (F. D. C. No. 7539. Sample No. 87177-E.)

The labeling of this product bore false and misleading therapeutic claims.

On May 20, 1942, the United States attorney for the District of Columbia filed a libel against 141 bottles of Vita-Port Vitamin B₁ Tonic at Washington, D. C., alleging that the article was being offered for sale in the District of Columbia at the Super Cut Rate Drugs, Washington, D. C.; and charging that it was misbranded. It was labeled in part: "Each fluid ounce contains thiamine hydrochloride (Vitamin B₁) . . . 4 mg. (Equivalent to 1330 International Units) Alcohol 20 Per cent."

The article was alleged to be misbranded in that the following statements in the labeling, "Here's Health * * * Recommended for Underweight—Loss of Appetite Nervousness," were false and misleading since it would not be an effective treatment for such conditions.

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

On June 26, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3842. Misbranding of wheat embryo. U. S. v. 34 Cans of Wheat Embryo. Default decree of condemnation and destruction. (F. D. C. No. 6807. Sample No. 76077-E.)

The labeling of this product represented that it contained from 9 to 10 units of vitamin B₁ per gram and that 1 tablespoonful was equivalent in vitamin content to 8 cakes of yeast; whereas it contained not more than 7 units of vitamin B₁ per gram and the vitamin content of 1 tablespoonful was not equal to that of 8 yeast cakes. Furthermore, it was deficient in protein and its labeling bore false and misleading therapeutic claims.

On February 6, 1942, the United States attorney for the District of Minnesota filed a libel against 34 cans of wheat embryo at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce on or about February 27, 1941, by Freshman Vitamin Co. from Detroit, Mich.; and charging that it was misbranded. It was labeled in part: "Dr. Ray Wheat Embryo."

It was alleged to be misbranded (1) in that the statements, "Vitamin B₁ * * * 9-10 Units per Gram (International) Protein—37% * * * Carbohydrate (by difference) 48.5 * * * Wheat Germ Oil * * * 5.5," were false as applied to an article that contained a smaller amount of vitamin and protein content; (2) in that the statement, "Each Tablespoon of Dr. Ray 'Wheat Embryo' is equivalent in Vitamin B₁ Potency to approximately Eight Cakes of Regular Moist Compressed Yeast," was false since it would not furnish as much vitamin B₁ as is contained in 8 cakes of yeast; and (3) in that the statement on the label, "When indicated in Gastro-Intestinal Disorders, Dr. Ray Wheat Embryo should be cooked in with cereal for five minutes," was false and misleading, since it would imply that the article was of significant value in the treatment of all types of gastro-intestinal disturbances, when in fact, it was not.

The article was also charged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices.

On June 15, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

FLAVORS AND SPICES

3843. Misbranding of vanilla extract. U. S. v. 76 Dozen Cartons of Extract of Vanilla. Decree of condemnation. Product ordered released under bond for the purpose of repackaging. (F. D. C. No. 7511. Sample No. 73651-E.)

The cartons containing this product were exceptionally large, the bottle occupying not more than 26.30 percent of the capacity of the carton.

On or about May 18, 1942, the United States attorney for the Western District of Missouri filed a libel against 76 dozen cartons of extract of vanilla at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about October 29, 1941, and January 27, 1942, by the Twenhofel Manufacturing