

Further misbranding, Section 403 (j), the article purported to be and was represented as a food for special dietary uses by man, by reason of its vitamin content, and its label failed to bear, as required by the regulations, a statement of the proportion of the minimum daily requirement for riboflavin supplied by the food when consumed in a specified quantity during a period of 1 day.

**DISPOSITION:** April 12, 1944. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**6995. Misbranding of Dr. Corley's Alkaline Broth. U. S. v. Dr. Buren L. Corley (Dr. Corley's Products). Plea of guilty. Fine, \$450. (F. D. C. No. 10540. Sample Nos. 12857-F to 12859-F, incl., 12861-F.)**

**INFORMATION FILED:** September 16, 1943, Northern District of California, against Dr. Buren L. Corley, trading as Dr. Corley's Products, San Francisco, Calif.

**ALLEGED SHIPMENT:** On or about July 7, 1942, from the State of California into the State of Oregon.

**VIOLATIONS CHARGED:** Misbranding, Section 403 (a), the labeling of the article was misleading, since it failed to reveal the fact that the article contained insignificant and inconsequential amounts of the minerals declared on the label, and that when used as directed would contribute in an unimportant respect to the requirements of the body for the minerals, which fact was material in light of the following representations appearing in the labeling of one portion of the article, "(Concentrated) \* \* \* Formula Potassium Calcium Iron Phosphorus Sulphur Sodium Magnesium Silicon Chlorine," and in the labeling of all portions of the article, "Contains Calcium, Sodium, Potassium, Iron and other necessary minerals required by the body"; Section 403 (j), the article purported to be and was represented as a food for special dietary use by man, by reason of the mineral properties in respect of calcium, phosphorus, and iron in one portion, and calcium and iron in the remaining portion of the article, and its label did not bear, as required by the regulations, statements of the proportion of the minimum daily requirements for calcium, phosphorus, and iron which would be supplied by the article when consumed as directed during a period of 1 day; and, Section 403 (i) (2), (portion of article) it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

The Alkaline Broth and another article were also misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices.

**DISPOSITION:** November 30, 1943. A plea of guilty was entered, and a total fine of \$450 was imposed, \$150 on the counts involving foods, and \$300 on the counts involving drugs.

**6996. Misbranding of Floritone. U. S. v. Frank Tibbetts and Nancy Tibbetts (Vitolectic Food Co.). Pleas of guilty. Fines of \$250 against each defendant. (F. D. C. No. 10630. Sample No. 19222-F.)**

**INFORMATION FILED:** February 8, 1944, District of Rhode Island, against Frank Tibbetts and Nancy Tibbetts, the latter owning and operating a business under the firm name of Vitolectic Food Co., Providence, R. I.

**ALLEGED SHIPMENT:** On or about April 12, 1943, from the State of Rhode Island into the State of Massachusetts.

**PRODUCT:** Analysis disclosed that the product consisted essentially of whey dextrin, and sugars such as glucose and milk sugar.

**VIOLATION CHARGED:** Misbranding, Section 403 (a), the statements in the labeling of the article were false and misleading since they represented and suggested and created in the mind of the reader the impression that the article, when used in accordance with the suggestions for use on the label, would be efficacious in increasing the body weight and in causing a reduction in body weight, and would be efficacious in the cure, mitigation, treatment, or prevention of diarrhea and toxemia.

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

**DISPOSITION:** February 10, 1944. The defendants entered pleas of guilty, and the court fined each of them \$125 on each of the 2 counts, a total of \$250 against each defendant.