

NATURE OF CHARGE: Adulteration, Section 402(b) (1), a valuable constituent, vitamin A, had been in whole or in part omitted from the products.

Misbranding, Section 403(a), the label statements (both products) "Each Tabsule Contains Vitamin A 5000 U. S. P. Units" and (Super Multi-Caps 9 Vitamins) "Minimum daily Requirements as provided in each Super Multi-Caps Tabsule Vitamin A 1¼ Times" were false and misleading since the products contained less than 5,000 U. S. P. units of vitamin A per tabsule, and the Super Multi-Caps 9 Vitamins would not provide the stated proportion of the minimum daily requirement for vitamin A.

DISPOSITION: February 8, 1946. No claimant having appeared, judgment of condemnation was entered and the products were ordered delivered to the Red Cross.

10892. Adulteration of Pa-Poya. U. S. v. 100 Bottles * * *. (F. D. C. No. 18459. Sample No. 8149-H.)

LIBEL FILED: November 27, 1945, Southern District of New York.

ALLEGED SHIPMENT: On or about October 13, 1945, by Tropical Fruits Laboratory, Inc., from Miami, Fla.

PRODUCT: 72 1-pint bottles, 24 1-quart bottles, and 4 1-gallon bottles of Pa-Poya at New York, N. Y. Examination showed that the product was a clear, sirupy, amber-colored liquid, having the odor and taste of burnt sugar, with slight proteolytic activity.

LABEL, IN PART: "Pa-Poya * * * A Concentrate Syrup (Tropical Laboratory Process) made from the Tropical Melon, Papaya, including skin, pulp and seeds; sugars, inverted with fruit acid—added, honey, fruit and vegetable flavors * * * So rich in Natural Vitamins A-B-C-G and ten minerals."

NATURE OF CHARGE: Misbranding, Section 502(a), certain statements on the label were false and misleading since they represented and suggested that the article possessed health-giving, curative, and vitalizing properties; that it would aid digestion; that it would be effective in treating stomach disorders, sore throat, eczema, indigestion, gastric disorders, disorders of children, and many other ailments; that it would be effective to combat acidosis; that it would digest proteins; and that it would aid in avoiding "morning after disaster." The article would not be effective for such purposes.

Further misbranding, Section 403(j), the article purported to be and was represented for special dietary uses by man by reason of its vitamin and mineral content, and its label failed to bear, as required and prescribed by the regulations, a statement of the proportion of the minimum daily requirement for vitamins A, B, C, and G, and the 10 minerals supplied by the article when consumed in a specified quantity during a period of 1 day.

DISPOSITION: December 11, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

10893. Misbranding of Adolphus dietary foods. U. S. v. 72 Bottles of Wheat Germ Oil Capsules, etc., and a quantity of printed matter. (F. D. C. No. 15370. Sample Nos. 31967-H, 31968-H, 31973-H to 31983-H, incl.)

LIBEL FILED: May 1, 1945, Southern District of California.

ALLEGED SHIPMENT: On or about April 2, 1945, by Adolphus Hohensee, from Phoenix, Ariz.

PRODUCT: 72 bottles of Wheat Germ Oil Capsules, 31 bottles of Pure Soy Bean Lecithin Capsules, 12 bottles of High Potency Vitamin C Tablets, 111 bottles of Vitamin C Tablets, 10 bottles of Mineral Capsules, 63 bottles of Garlic Parsley Capsules, 17 bottles of Dicalcium Phosphate and Vitamin D Tablets, 133 bottles of Improved "B" Complex Tablets, 36 jars of Malt-O-Soy, and 8 jars of Concentrated Broth, at San Diego, Calif., together with a number of accompanying display cards entitled "The Wheel O' Life," a number of accompanying booklets entitled "The Health, Success and Happiness Lectures 'High Blood Pressure'" and "What About the Vegetables and Fruits We Eat Today?" and a number of accompanying booklets headed "Lecture Series on Health and Progress," with subheadings "How to Think to Attain Success," "Better Eyes Without Glasses," and "Your Personality Glands."