

12650. Misbranding of Kevo Enurgets (candy). U. S. v. 2 Cases * * *.
(F. D. C. No. 23539. Sample Nos. 69068-H, 69069-H.)

LIBEL FILED: August 15, 1947, Northern District of Illinois.

ALLEGED SHIPMENT: On or about May 15, 1947, by the W-H-Y and Kevo Products Co., Ltd.

PRODUCT: 2 cases and 42 cans of Kevo Enurgets at Chicago, Ill.

LABEL, IN PART: "Bartlett's Kevo Enurgets * * * Net Weight 14 [or "3"] Oz."

NATURE OF CHARGE: Misbranding, Section 403 (a), the following statements on the label were false and misleading, since they suggested benefits which could not be derived from the article: (14-ounce size) "Enurgets * * * Puts Pep in Your Step * * * For Quick Building of Energy That Lasts * * * for maximum nutrition and energy building * * * for * * * all who must stay alert mentally and physically * * * give a quick pick-up and lasting energy * * * take away that tired feeling * * * aid digestion * * * ease away nervous headache * * * put pep in your step"; (3-ounce size) "Enurgets * * * Puts Pep in Your Step * * * for maximum nutrition Quick lasting energy for people on the go * * * for a quick pick-up and lasting energy for work or play * * * For Quickly building energy that Lasts." The following label statements were misleading, since the principle ingredient of the product was sucrose: (14-ounce size) "Dehydrated, Powered Whole Soy Bean; Germ of Whole Wheat; Dextrose; Barley Malt; Soy Milk; Deep Sea Kelp; Mint Leaves; Carrot; Celery; Calcium Carbonate; Iron; Phosphorus; Iodine; Special Blended Flavoring"; (3 ounce size) "Dehydrated, Powdered Whole Soy Bean; Germ of Whole Wheat; Dextrose; Skim Milk; Barley Malt; Deep Sea Kelp; Mint Leaves; Rhubarb Plant; Spinach; Carrot; Celery."

Further misbranding, Section 403 (i) (2), the label failed to bear the common or usual name of each ingredient, since sucrose was not declared. Section 403 (j), the product purported to be and was represented as a food for special dietary uses by reason of the reference on the label to the presence of calcium, iron, phosphorus, and iodine, and by reason of the statement "Natural * * * Vitamins, Minerals"; and its label failed to bear the information concerning its vitamin and mineral properties as has been determined to be, and by regulation prescribed as, necessary in order fully to inform purchasers as to its value for such special dietary uses, since its label failed to bear a statement of the kind and quantities of vitamins and the quantities of minerals supplied by the article when consumed in a specified quantity during a period of one day. Section 403 (e) (2), (3-ounce size) the article failed to bear a label containing an accurate statement of the quantity of the contents. (The packages contained less than the amount declared.)

DISPOSITION: October 29, 1947. Default decree of condemnation and destruction.

12651. Adulteration of fudge mix. U. S. v. 145 Packages * * *. (F. D. C. No. 23388. Sample No. 54431-H.)

LIBEL FILED: August 1, 1947, Middle District of Georgia.

ALLEGED SHIPMENT: On or about June 2, 1947, by the Orange State Products Corporation, from Coral Gables, Fla.

PRODUCT: 145 10-ounce packages of fudge mix at Nashville, Ga.

LABEL, IN PART: "OSP Fudge Mix With Coconut Chocolate Flavor Just Add Water."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of larvae, insect fragments, and rodent hair fragments.

DISPOSITION: September 9, 1947. Default decree of condemnation and destruction.

12652. Adulteration and misbranding of dextrose. U. S. v. 160 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 21702, 21738. Sample Nos. 49644-H, 49649-H.)

LIBELS FILED: November 14 and 25, 1946, Western District of Louisiana.

ALLEGED SHIPMENT: On or about October 14, 1946, by T. J. Blackburn, from Jefferson, Tex.