

**LIBELED:** 10-23-61, E. Dist. N.Y.

**CHARGE:** 403(a)—while held for sale, the labeling of the Sea Spray salt as repacked and as sea salt in bulk contained false and misleading representations that the article was of unusual significance for special dietary use by reason of the presence of all the trace elements from the sea; that such trace elements are catalysts which unlock the benefits of food so that the body can use such food to the best advantage; and that the article would promote health; and 403(j)—the soybean lecithin capsules purported to be and were represented as a food for special dietary use, and their label failed to bear as required by regulations the statement "The need for choline and inositol in human nutrition has not been established."

The libel alleged also that the soybean lecithin capsules, and other articles also libeled, were misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices, No. 7826.

**DISPOSITION:** On 1-24-62, Barth Levitt Products, Inc., having claimed the articles, a consent decree of condemnation permitting relabeling was filed. On 3-29-63, the claimant having represented to the court that it was impractical to bring the articles into compliance with the law consented that the articles be destroyed, and an order of destruction was entered.

**29693. Cal-Re-Low dietary supplement.** (F.D.C. No. 46241. S. Nos. 88-665/6 R.)

**QUANTITY:** 16 14-oz. jars, and 18 7-oz. jars at Kansas City, Mo.

**SHIPPED:** 5-18-61, from Minneapolis, Minn., by Pavo Co., Inc.

**LABEL IN PART:** (14-oz. jar) "Pavo High Protein Cal-Re-Low Weight Control Supplement 'A Meal-In-Itself' 65% Complete Protein 30 Vitamins-Minerals 7 Basic Nutrients Black Cherry Flavor \* \* \* Packed and Distributed by The Pavo Co., Inc., Minneapolis, Minnesota \* \* \* Directions \* \* \* As A Dietary Supplement 3 well-rounded tablespoonsful (1½ oz.) 'Cal-Re-Low' supplies \* \* \* Folic Acid .6 Mg."; and (7-oz. jar) "Pavo 65% Complete Protein Cal-Re-Low Weight Control Aid 'A Meal-In-Itself' 17 Vitamins—13 Minerals 7 Basic Nutrients Unflavored Packed and Distributed by The Pavo Co., Inc. Minneapolis, Minnesota \* \* \* Directions \* \* \* As A Dietary Supplement 3 well-rounded tablespoonsful (1½ oz.) 'Cal-Re-Low' supplies \* \* \* Folic Acid .6 Mg."

**ACCOMPANYING LABELING:** Pamphlet entitled "Overweight? Underweight? Cal-Re-Low a dual-purpose food may be Your Answer."

**LIBELED:** On or about 8-7-61, W. Dist. Mo.

**CHARGE:** 402(a)(2)(C)—when shipped, the article contained a food additive, namely, folic acid, which was unsafe within the meaning of 409, since it and its use or intended use are not in conformity with a regulations or exemption; 403(a)—the labeling of the article contained false and misleading representations that the article was both high in protein and low in calorie content; and that a serving of the article was equivalent to a nutritionally balanced meal; and 403(i)(2)—the labeling of the 7-oz. jars (18-jar lot) failed to bear the common or usual name of each ingredient.

The article was alleged also to be misbranded under the provisions of the law applicable to drugs as reported in notices of judgment on drugs and devices, No. 7825.

**DISPOSITION:** 11-29-61. Default—destruction.