On February 16, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered disposed of as provided by law. It was distributed to charitable institutions.

639. Misbranding of Santé. U. S. v. 16 Cases of Santé. Default decree of condemnation and destruction. (F. D. C. No. 5089. Sample No. 29413–E.)

On July 9, 1941, the United States attorney for the Southern District of Indiana filed a libel against 16 cases of Santé at Evansville, Ind., alleging that the article had been shipped in interstate commerce on or about February 12, 1941, by Dr. W. B. Caldwell, Inc., from Monticello, Ill.; and charging that it was misbranded.

Analysis showed that the article was an alcoholic solution containing in each fluid ounce an iron compound representing approximately 150 milligrams of iron and 800 U. S. P. units of vitamin B_1 per fluid ounce.

The article was alleged to be misbranded in that statements in the labeling which represented and suggested that it was an appropriate treatment for nutritional anemia due to dietary deficiencies; that it was an efficacious treatment for pale, underweight women with poor appetite; that it would help the system get over the conditions following colds, grippe, flu; that it would increase personality and stamina, and would help develop the blood, improve the appetite and color and quiet the nerves; would promote assimilation of food and better sleep, and would increase weight; and that it was important to nerves, stomach, and bowels, were false and misleading since it would not be efficacious for such purposes.

On November 17, 1941, the claimant having withdrawn his appearance, judgment of condemnation was entered and the product was ordered destroyed.

640. Misbranding of Vigor-Tex. U. S. v. 20 Cases and 6 Packages of Vigor-Tex (and 1 other seizure against Vigor-Tex). Default decree of condemnation and destruction. (F. D. C. Nos. 4920, 4934. Sample Nos. 47447–E, 47456–E.)

On June 18 and 24, 1941, the United States attorney for the Northern District of Illinois filed libels against 29 cases, each containing 24 packages; 37 cases, each containing 12 packages; and 6 packages of Vigor-Tex at Chicago, Ill., alleging that the article had been shipped in interstate commerce by Kretschmer Corporation from Saginaw, Mich., on or about May 12 and 17, 1941; and charging that it was misbranded.

Examination of the article showed that it consisted of about 42 percent of wheat germ, the remainder consisting essentially of wheat bran and small amounts of starch.

It was alleged to be misbranded in that statements in the labeling which represented and suggested that it would be efficacious to build vitality, promote better health, provide the life principle needed for the functioning of all organs; that it would be efficacious to correct low spirits, discouragement, and tiredness, would strengthen the heart muscle and normalize the blood pressure; would cause children to thrive, grow in height and weight, and would improve their appetite and general health; that it would prevent sleeplessness, tiredness, poor heart action, fatigue, indigestion, and gray hair; that it was a preventive and appropriate treatment of constipation, arthritis, neuritis, colitis, colds, simple anemia and pernicious anemia, diabetes, skin blemishes, brittle nails, stomach ulcers, heart trouble, hardening of the arteries, high blood pressure, glandular deficiency, acidosis, underweight and overweight conditions, were false and misleading since it would not be efficacious for such purposes.

On October 1, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

641. Misbranding of Polly Rich Wheat Germ. U. S. v. 219 Cans of Wheat Germ. Default decree of condemnation and destruction. (F. D. C. No. 6362. Sample No. 83181–E.)

The labeling of this product bore false and misleading representations regarding its value as a source of certain vitamins and minerals and its efficacy in the treatment of diseases and abnormalities of the body.

On December 9, 1941, the United States attorney for the Eastern District of Louisiana filed a libel against 219 cans of wheat germ at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about September 15, 16, and 24, 1941, by the Colonial Milling Co. from Nashville, Tenn.; and charging that it was misbranded. It was labeled in part: "Polly Rich Wheat Germ."