937. Misbranding of Betene. U. S. v. 79 Packages of Betene. Default decree of condemnation and destruction. (F. D. C. No. 10050. Sample No. 8127-F.)

Examination of this product indicated that it was essentially a mixture of powdered skim milk, dried egg yolk, saccharin, cereal products, flavors, and combined calcium and phosphorus.

On June 5, 1943, the United States attorney for the District of Minnesota filed a libel against 79 packages of Betene at Faribault, Minn., alleging that the article had been shipped in interstate commerce on or about March 3 and 26, 1943, by the Vegetable Juice & Products Co. from Rochester, N. Y.; and charging that it was misbranded. The article was labeled in part: "Betene * * * A Special Dietary Supplement * * * L. H. Steward Corporation Rochester, New York."

The article was alleged to be misbranded in that the statements appearing on the label and in the circular entitled "Ive Found the Sure Way to Acquire Normal Weight," which accompanied the article in interstate commerce, were false and misleading since they represented and suggested and created in the mind of the reader the impression that the article, when consumed as directed, would cause an increase in weight and add to the vigor and vitality of the user; and also that when consumed as directed, it constituted a sure, sane, safe and effective way to reduce, whereas it would not accomplish such results.

The article was also alleged to be misbranded under the provisions of the laws applicable to foods, reported in food notices of judgment.

On July 27, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

938. Misbranding of Chagnon's Sirotar. U. S. v. 131 Bottles of Chagnon's Sirotar. Consent decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 7858. Sample No. 90894-E.)

On July 13, 1942, the United States attorney for the District of Rhode Island filed a libel against 131 bottles of Chagnon's Sirotar at Arctic (West Warwick), R. I., alleging that the article had been shipped in interstate commerce on or about May 1, 1942, from Worcester, Mass., by Brewer & Co., Inc.; and charging that it was misbranded. The label of the article bore a conspicuous pictorial design of a cod fish.

Examination of the article failed to reveal the presence of cod liver oil concentrate.

The article was alleged to be misbranded in that the statement "Cod Liver Oil Concentrate," and the pictorial design of a cod fish borne on the label were false and misleading as applied to an article which contained an inconsequential amount, if any, of cod-liver oil concentrate as one of its ingredients. It was alleged to be misbranded further in that its container was so made and filled as to be misleading since the carton containing the bottle was excessively large.

On December 23, 1942, Chagnon's Family Drug Store, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled.

939. Misbranding of Effervescent Kruschen. U. S. v. 17-5/6 Dozen Packages of Effervescent Kruschen. Decree of condemnation and destruction. (F. D. C. No. 6637. Sample No. 64647-E.)

Analysis showed that this product consisted essentially of 18.7 percent anhydrous Epsom salt (magnesium sulfate) with small proportions of common salt (sodium chloride), potassium chloride, sodium sulfate, and potassium sulfate, with an effervescent base consisting of a mixture of sodium bicarbonate and citric acid.

On January 3, 1942, the United States attorney for the Western District of Pennsylvania filed a libel against 17 5/6 dozen packages of Effervescent Kruschen at Pittsburgh, Pa., alleging that the article had been shipped on or about August 22, 1941, from Rochester, N. Y., by E. Griffiths Hughes, Inc.; and charging that it was misbranded in that the following statements appearing in the circular accompanying the article were false and misleading since they created the impression that the article constituted an effective agent for reducing weight, whereas it did not constitute an effective agent for such purpose: "As an Assistant To Diet In Reducing Fat Kruschen Salts thru a wholesome stimulating effect on the liver and bowels, and a mild diuretic effect on the kidneys offers assistance to sensible eating in the problem of overweight. This has similarities to the European Spa treatment for weight reduction and in a measure brings the so-called Spa treatment (sensible eating and mineral waters)