

DECEMBER 22, 1946

VITAMIN PRODUCTS COMPANY  
MILWAUKEE 3, WISCONSIN

## Dr. Lee Wins Price Ruling Court Rebukes OPA

Dr. Royal Lee, Milwaukee "health food" manufacturer, has won his case against the OPA. The United States emergency court of appeals has held that the specially ground whole wheat flour that Dr. Lee manufactures and sells is not ordinary whole wheat flour, and that he had a legal right to charge more than ordinary whole wheat flour ceiling prices. Price control over this flour expired two months ago.

The Vitamin Products Co., 2023 W. Wisconsin av., operated by Dr. Lee, sells about 4,500 pounds a month of a whole wheat flour ground only from wheat grown in Deaf Smith county, Texas. Because of a peculiarity of the soil there, this wheat contains far more than the normal amount of phosphorus and calcium, it is claimed. This wheat is stone ground.

### Denied Higher Ceiling

The OPA refused to grant higher ceiling prices for this finely ground whole wheat flour, and Federal Judge F. Ryan Duffy found the company guilty of violating ceiling prices and assessed \$1,695 damages. The emergency court of appeals, in a decision handed down last week, criticized the OPA for its attitude and declared that portion of the price control act to be invalid.

The court of appeals held that Dr. Lee's flour contains "approximately 95% of the essential oils, minerals and vitamins of the original wheat berry."

### Court Rebukes OPA

Pointing out that this flour is prescribed by many physicians for use in the daily diet of sufferers from malnutrition, and that its production cost is considerably higher than that of ordinary flour, the court said of the OPA administrator:

"Instead of recognizing that a portion of the community believes this to be so and has historically been willing to back up that belief with its money by paying the higher prices which the greater cost of stone grinding makes necessary, he (the administrator) argues that these specially milled whole wheat flours do not in fact have the advantages claimed for them.

"He thus enters upon a field which has been long and vehemently debated but which is wholly outside his province of price control."

## NOTICE

WE ARE ACCEPTING NEW ORDERS FOR DEAF SMITH WHOLE WHEAT FLOUR

In June of 1945 the O.P.A. took action to stop us from selling Deaf Smith Flour above the ceiling price of commercial whole wheat flour. This action made it necessary for us to defend ourselves through long and expensive court litigation to prove that our product was different and of a superior quality.

The United States Court of Appeals have recognized some very important facts pertaining to the difference between Deaf Smith Flour and standard commercial whole wheat flour and have ruled in our favor. The following is an excerpt from the decision:-

"...From the evidence in this case we have found that specially milled whole wheat flours of the type of Deaf Smith Flour have long been recognized in the trade as being distinctive and different from standard commercial whole wheat flours in manner of milling and other characteristics. We have also found that they have been purchased for use in the diet of sufferers from malnutrition and others by reason of the higher nutritional value which they are believed to possess, and that because of their greater cost of milling they have historically commanded a higher price than standard commercial whole wheat flours."

During the period that the restraining order was in effect, we confined our deliveries to unfilled contracts. We can again make prompt deliveries on new orders.

The enclosed order blank is for your convenience in ordering a sample 5 Lb. bag or a 10-Bag contract.

Yours truly,

VITAMIN PRODUCTS COMPANY

Encs.