

of vegetable origin, grown and selected for their high organic mineral content. Directions Adults: Three or four tablets, three times a day."

Misbranding was alleged further in that the following statement on the labels of Formulas No. A-45, No. H-410, and No. D-44, falsely and fraudulently represented the curative or therapeutic effects of said articles: "This product is not intended for the treatment of disease but is a food adjuvant and tends toward the building of health." Misbranding was alleged further in that the coined and fanciful names, i. e., "Vegetrate Formula No. A-45," "Vegetrate Formula No. H-410," "Vegetrate Formula No. D-44," and "Vegetrate Formula No. A-417," appearing on the respective labels of the articles, were devices which falsely and fraudulently represented their curative or therapeutic effects, since the said coined and fanciful names meant to purchasers that the articles were effective, respectively, as treatments for arthritis, high blood pressure, diabetes, and asthma; that said articles had attained such meanings to purchasers as a result of the following facts and circumstances: Booklets entitled "Wrong Diet The Curse of the Age," a supply of which was furnished by the consignor to the consignee and was distributed to customers and prospective customers, contained on page 31 the following statements: "A-45 * * * Arthro-Inflammation (Arthritic)"; "H-410 * * * Blood Pressure (High)"; "D-44 * * * Carbohydrate Tolerance (Diabetic)"; and "A-417 * * * Respiratory Irritations (Asthmatic)." Moreover, the labeling theretofore [1935] used on the respective articles contained the following wording: "Vegetrate Formula No. A-45 The Arthritic"; "Vegetrate Formula No. H-410 A Food Recommended as a Dietary Adjuvant in the Reduction of Hypertension"; "Vegetrate Formula No. D-44 Highly Valuable as a Food Adjuvant for the Diabetic"; and "Vegetrate Formula No. A-417 A Food Concentrate Recommended Highly as a Nutritional Adjuvant in the Dietary Care of the Asthmatic Hay Fever."

On April 27, 1939, a plea of guilty having been entered on behalf of Vegetrates, Inc., and a plea of nolo contendere having been entered by Sabol, the court imposed fines of \$200 against the corporation and \$80 against the individual.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30629. Misbranding of hospital cotton. U. S. v. Seven Cases of Hospital Cotton. Default decree of condemnation and destruction. (F. & D. No. 45294. Sample No. 33781-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of the examination, it was found to be contaminated with viable micro-organisms.

On May 9, 1939, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven cases of hospital cotton at Baltimore, Md.; alleging that the article had been shipped in interstate commerce on or about April 6, 1939, from Columbia, S. C., by New Aseptic Laboratories; and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the label statement "Blue Ribbon Hospital Cotton" was false and misleading since it created the impression that the cotton was of high quality and was suitable for hospital use; whereas it was not of high quality and was not suitable for hospital use in that it was contaminated with viable micro-organisms.

On May 31, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30630. Adulteration and misbranding of prophylactics. U. S. v. 123 Gross of Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 45231. Sample No. 47427-D.)

Samples of this product were found to be defective in that they contained holes.

On April 25, 1939, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 123 gross of prophylactics at Baltimore, Md.; alleging that the article had been shipped in interstate commerce on or about February 28 and March 15, 1939, from Akron, Ohio, by Bengor Products Co.; and charging adulteration and misbranding in violation of the

Food and Drugs Act. The article was labeled in part: "Tetratex * * * L. E. Shunk Latex Products, Inc., Akron, Ohio."

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the following statements in the labeling were false and misleading: "The Modern Prophylactic * * * for Medical Purposes" and "Guaranteed Five Years Disease Preventative."

On May 17, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30631. Adulteration and misbranding of prophylactics. U. S. v. 72 and 19 Envelopes containing Prophylactics (and 3 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 44381, 44382, 44707, 44708. Sample Nos. 29594-D, 29595-D, 45722-D, 45724-D.)

Samples of this product were found to be defective in that they contained holes.

On November 18, 1938, and January 24, 1939, the United States attorneys for the Northern District of Ohio and the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 15 $\frac{1}{4}$ gross of prophylactics at Akron, Ohio, and 317 $\frac{1}{2}$ gross of prophylactics at Chicago, Ill.; alleging that the articles had been shipped in interstate commerce within the period from on or about July 15 to on or about December 21, 1938, by W. H. Reed & Co. from Atlanta, Ga.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part variously: "Bachelor Brand," "Crest," "Black and Gold," or "Genuine United Latex."

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

The article was alleged to be misbranded in that the following statements in the labeling were false and misleading: (Bachelor brand) "Double Selected * * * Supreme * * * For the prevention of disease"; "Made from the choicest grade of materials obtainable * * * represent the highest quality of Goldbeaters * * * for the prevention of contagious diseases * * * The merchandise which you will find in this package is made of the very best material"; (Crest brand) "Made from the choicest grade of materials obtainable * * * represent the highest quality of Goldbeaters * * * For the prevention of contagious diseases * * * For the prevention of disease"; (United Latex) "Genuine United Latex Prophylactics * * * For Prevention of Disease"; (Black and Gold) "Used For the Prevention of Disease."

On March 14 and April 7 and 10, 1939, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30632. Adulteration and misbranding of prophylactics. U. S. v. Seven Gross Prophylactics (and four other seizure actions against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 44804, 44805, 45191, 45192, 45193. Sample Nos. 44808-D, 44809-D, 45165-D, 45166-D, 45167-D.)

Samples of this product were found to be defective in that they contained holes.

On or about February 9 and May 17, 1939, the United States attorneys for the Western District of North Carolina and the Southern District of Florida, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 11 $\frac{1}{12}$ gross of prophylactics at Morganton, N. C., and 103 $\frac{1}{4}$ dozen prophylactics in various lots at La Belle, Punta Gorda, and Arcadia, Fla.; alleging that the article had been shipped in interstate commerce within the period from on or about January 11 to on or about March 24, 1939, by A. G. Vining from Atlanta, Ga.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Queen-Tex" or "Pro-Medico."

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

It was alleged to be misbranded in that the following statements appearing on the carton were false and misleading: (Queen-Tex) "Disease Preventative"