charged to be adulterated and misbranded under the provisions of the law applicable to food, as reported in notices of judgment on foods.

On April 14, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

357. Adulteration and misbranding of Sea-Clo-400-D. U. S. v. 4 Cans of Sea-Clo-400-D. Default decree of condemnation and destruction. (F. D. C. No. 1611. Sample No. 78465-D.)

This veterinary product contained not more than 200 A. O. A. C. chick units of vitamin D per gram and contained less than 500 U. S. P. units of vitamin A; whereas it was represented in the labeling that it contained 400 A. O. A C. units of vitamin D per gram and that it contained substantially 1,000 units of vitamin A per gram.

On March 14, 1940, the United States attorney for the Northern District of West Virginia filed a libel against 4 50-pound cans of Sea-Clo-400-D at Martinsburg, W. Va., alleging that the article had been shipped in interstate commerce on or about January 2, 1940, by Sea Board Supply Co., Inc., from Philadelphia, Pa.; and charging that it was adulterated and misbranded. It was labeled in part: "Sea-Clo-400-D Highly Fortified Cod Liver Oil in Dry Base."

The article was alleged to be adulterated in that its strength differed from and its purity fell below that which it purported or was represented to possess, that is, it was labeled: "Guaranteed to contain 400 A. O. A. C. units of Vitamin D per gram. When this product is packed it contains more than 1000 Units of Vitamin 'A' per gram, but due to a difference of opinion of our many Authorities regarding the stability of Vitamin 'A' from Cod Liver Oil when added to feeds, we are making no claim for it."

It was alleged to be misbranded in that the following statements appearing on the label were false and misleading: "Sea-Clo-400-D * * * In place of each 4¾ lbs. straight 85-D Oil, use 1 lb. Sea-Clo-400-D. In place of each 1 lb. Fortified 400-D Oil, use 1 lb. Sea-Clo-400-D. For each 5 pints 85-D Oil used, replace with 1 lb. Sea-Clo-400-D."

On November 27, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING THERAPEUTIC CLAIMS

DRUGS ALSO FAILING TO BEAR COMMON OR USUAL NAME OR REQUIRED INGREDIENT STATEMENT

358. Misbranding of Alpine Tea. U. S. v. 57 Packages of Alpine Tea. Default decree of condemnation and destruction. (F. D. C. No. 3219. Sample No. 26435-E.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated below. The statement of analysis on the label was misleading since it represented the analysis of the ash and not of the tea itself. Its label also failed to bear a statement of its common name.

On October 21, 1940, the United States attorney for the District of Oregon filed a libel against 57 packages of Alpine Tea at Rainier, Oreg., alleging that the article had been shipped in interstate commerce by the Alpine Tea Co. on or about September 2, 1939, from Detroit, Mich.; and charging that it was misbranded.

Analysis showed that the article consisted of cut dried leaves of blueberry.

The article was alleged to be misbranded in that representations in the labeling that it would be efficacious to balance the deficiency of body minerals; stimulate the pancreatic glands, kidneys, bladder, and liver; increase vitality amazingly and almost immediately, which increase would continue throughout the day; would help one get a good night's rest; would serve as an effective aid to the diabetic's diet, and would decrease the need for insulin; and that it was not only efficacious for diabetics but was also good for other ailments such as those of the liver, spleen, kidneys, bladder, and for stomach ulcers, were false and misleading since it would not be efficacious for such purposes.

It was alleged to be misbranded further in that the following statements in the labeling, (carton) "Analysis: Silica (SiO_2) 10.99%; Iron Oxide (Fe_2O_3) 1.90%; Manganese Oxide (Mn_3O_4) 5.10%; Aluminum Oxide (Al_2O_3) 11.38%; Calcium Oxide (CaO) 21.84%; Magnesium Oxide (MgO) 7.27%; Sodium Na (as Na_2O) 7.11%; Potassium K (as K_2O) 10.06%; Sulphate (SO_3) 5.32%; Phosphate (P_2O_5) 5.86%; Carbonate (60_2) 10.17%; Chloride (Cl) 2.00%; Free

Carbon, Charcoal, etc. 2.00%; Potassium calculated as carbonate 14.76%; Copper, Tin, Lead, Arsenic, Mercury, None," were false and misleading since they did not represent an analysis of the product itself. It was alleged to be misbranded further in that its label failed to bear its common or usual name.

On November 17, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

359. Misbranding of Ancestral Oil. U. S. v. 33 Packages of Ancestral Oil. Default decree of condemnation and destruction. (F. D. C. No. 2461. Sample No. 16067–E.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated hereinafter. Its labeling also failed to bear an accurate statement of the quantity of the contents and the common or usual names of the active ingredients. The product was also deceptively packaged. It was packed in a thick-walled panel bottle with rather a long neck which was contained in a carton, creating the impression that a larger volume of the liquid was furnished than was actually the case.

On or about August 6, 1940, the United States attorney for the Western District of Missouri filed a libel against 33 packages of Ancestral Oil at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about April 26, 1940, by the Ancestral Medicine Co. from Osawatomie, Kans.; and charging that it was misbranded.

Analysis showed that the article consisted essentially of a fish oil and turpentine.

The article was alleged to be misbranded in that the labeling bore representations that it was efficacious in the treatment of piles, rheumatism, hay fever, lumbago, earache, coughs, asthma, kidney affections, croup, whooping cough, influenza, dysentery, and bloody diarrhea, phthisis, pneumonia, bronchitis and sore throat, for inflammation of the breasts, neuralgia, lumbago, soreness of corns and bunions, toothache, vaginal discharge or ulcers, diphtheria, lung troubles, burn or scald, cuts, bruises, or sprains, that it would not blister or irritate the tenderest skin; that it would penetrate, heal, and cure; that it was efficacious for the kidneys; would allay various forms of inflammation and pleurisy; would cut phlegm, prevent a scar; that it was the most beneficial remedy for all ailments the human family was heir to; that it was the best all-purpose remedy for garget or caked udder, inflammation of the udder, and that it was excellent for horses and would be efficacious in the treatment of all flesh wounds, which representations were false and misleading since the article would not be efficacious for such purposes. It was alleged to be misbranded further in that the label did not bear an accurate statement of the quantity of the contents and did not bear the common or usual name of the active ingredients. It was alleged to be misbranded further in that the containers were so made, formed, or filled as to be misleading.

On November 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

360. Adulteration and misbranding of Edwenil. U. S. v. 15 Boxes, et al., of Edwenil. Default decree of condemnation and destruction. (F. D. C. No. 1843. Sample Nos. 10346–E to 10349–E, incl.)

This product would not activate or fortify the natural defenses of the body as represented and suggested in the labeling.

On April 24, 1940, the United States attorney for the Southern District of New York filed a libel against 15 boxes each containing 10 4-cc. vials of Edwinil; 35 boxes each containing 5 4-cc. vials of Edwenil; 10 boxes each containing 10 10-cc. vials of Edwenil; and 79 boxes each containing 1 10-cc. vial of Edwenil at New York, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about February 21 to on or about April 2, 1940, by Spicer & Co. from Glendale, Calif.; and charging that it was adulterated and misbranded.

Analysis showed that the article consisted of a colorless liquid carrying suspended amorphous white material containing total solids (approximately 1.0 percent) chiefly sodium chloride (approximately 0.8 percent) and suspended matter (0.1 percent), chiefly silicates and phosphates, and nitrogenous matter (approximately 0.03 percent), and water.

The article was alleged to be adulterated in that it was represented to possess a strength and quality sufficient to activate and fortify the natural defenses of the body against acute and chronic endotoxic infections when administered in specified doses; whereas it did not possess the strength or quality to activate