

20903. Misbranding of Nu-Vita yeast. U. S. v. 10 Bags of Nu-Vita Yeast. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29918. Sample no. 35928-A.)

This action involved an interstate shipment of a product that was represented to be pure yeast, and was found to consist essentially of corn meal with a small proportion of yeast. The label of the article bore unwarranted curative and therapeutic claims.

On March 10, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 10 bags of Nu-Vita yeast at Denver, Colo., consigned by the Miller Products Co. alleging that the article had been shipped in interstate commerce on or about January 23, 1933, from Waterloo, Iowa, to Denver, Colo., and charging misbranding in violation of the Food and Drugs Act as amended. The labeling consisted of a shipping tag and a pink and a white card shipped with the article.

Analysis of a sample of the article by this Department showed that it consisted essentially of a mixture of corn meal and a barley product, with approximately 1 percent of yeast.

It was alleged in the libel that the article was misbranded in that the statements, (pink card) "Nu-Vita Yeast is a pure unadulterated bacteria product free of any foreign material or ingredients", (shipping tag) "Nu-Vita Stock Yeast", were false and misleading. Misbranding was alleged for the further reason that the following statement on the white card, regarding the curative and therapeutic effects of the article, were false and fraudulent: "White diarrhea and coccidiosis * * * Necro and Scours. In severe cases of Necro always feed as a slop."

On May 19, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20904. Misbranding of Necro-Cide. U. S. v. Elmer H. Mayes (Baker-Mayes Co.). Plea of guilty. Fine, \$10. (F. & D. no. 28209. Sample no. 2526-A.)

Examination of the drug preparation Necro-Cide disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the labels of the cans.

On January 18, 1933, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States an information against Elmer H. Mayes, trading as Baker-Mayes Co., Omaha, Nebr., alleging shipment by said defendant, in violation of the Food and Drugs Act as amended, on or about April 5, 1932, from the State of Nebraska into the State of South Dakota, of a quantity of Necro-Cide that was misbranded. The article was labeled in part: "Necro-Cide * * * For Treatment of Necrotic Enteritis, Flu and Mixed Infection. * * * Manufactured by Baker-Mayes Co. Live Stock Exchange, Omaha, Nebr."

Analysis of a sample of the article by this Department showed that it consisted essentially of sodium bicarbonate, small proportions of ammonium chloride, a sulphate, a thiosulphate, a magnesium compound, phenolic substances including guaiacol and an extract of a laxative plant drug, and water, colored with caramel.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices regarding its curative and therapeutic effects, appearing on the labels of the cans, falsely and fraudulently represented that it was effective as a treatment for necrotic enteritis, flu, and mixed infection.

On February 18, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20905. Adulteration and misbranding of Nestor emulsion of pure cod liver oil. U. S. v. 72 Packages of Nestor Emulsion of Pure Cod Liver Oil. Default decree of destruction. (F. & D. no. 28969. Sample no. 13902-A.)

This case involved an interstate shipment of a drug preparation that contained less cod-liver oil and less alcohol than declared on the label. The bottle label also bore unwarranted curative and therapeutic claims.