

Poultrytone, in various lots at Orwigsburg, Boyertown, Avondale, and Media, Pa. It was alleged in the libels that the articles had been shipped in interstate commerce from Fostoria, Ohio, between December 5, 1932 and December 15, 1932; that they were misbranded in violation of the Food and Drugs Act as amended, and that the Poultrytone was also adulterated in violation of said act. It was further alleged in the libels filed against the product at Orwigsburg and Boyertown, Pa., that the article had been shipped by C. L. Jones, Fostoria, Ohio. The remaining libels did not disclose the names of the shippers. The articles were labeled in part: "Stocktone * * * Manufactured and Guaranteed by the Federal Food Company, New York, N. Y."; "Poultrytone * * * The Federal Food Company, New York, N. Y."

Analyses of samples of the articles by this Department showed that the V. S. Stocktone consisted essentially of calcium carbonate, magnesium sulphate, ferrous sulphate, sulphur, phosphates, and small proportions of nux vomica, quassia, fenugreek seed, and American wormseed; and the V. S. Poultrytone consisted essentially of calcium carbonate, magnesium sulphate, sulphur, and small proportions of iron oxide, capsicum, and quassia. Cod-liver oil was not present.

Adulteration of the Poultrytone was alleged in the libels for the reason that the strength and purity of the article fell below the professed standard and quality under which it was sold, namely: "Ingredients * * * Cod Liver Oil."

Misbranding of the Poultrytone was alleged for the reason that the statements, "Ingredients * * * Cod Liver Oil. * * * For Production of Eggs", were false and misleading; and for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent: (Carton) "For Sick Fowls:—Separate the sick fowls from those not already affected and give one tablespoonful daily for every 10 fowls."

Misbranding of the Stocktone was alleged for the reason that the following statements regarding the curative and therapeutic effects of the article, appearing in the labeling, were false and fraudulent: (Carton label of all lots but one) "V. S. Stocktone is not a cure all. It is a remedy specifically for stomach and intestinal worms—the cause of 90% of all the sickness and losses among live stock—especially hogs and sheep. V. S. Stocktone will destroy and expel stomach and intestinal worms. It will do more. It corrects and aids digestion, tones the system, puts the stomach in condition to assimilate the food better; enables the animals to derive more good from what you feed; creates a better appetite; regulates the bowels so that, in a short time, a healthy vigorous animal is the result. * * * give them free access to V. S. Stocktone. They Will Doctor Themselves"; (statements contained in a coupon accompanying the remaining lot and also included in the labeling of certain of the other lots in addition to the carton label above quoted) "I hereby agree to use V. S. Stocktone according to directions printed on package to justify the free use of a veterinary surgeon for diseases contracted after one month of consecutive feeding."

On April 19 and May 31, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered in the cases instituted in the Eastern District of Pennsylvania, and the court ordered that the products be destroyed by the United States marshal. On July 12, 1933, the product seized in the District of Maryland was also ordered condemned and destroyed.

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

20927. Misbranding of Nervotol. U. S. v. 118 Bottles of Nervotol. Default decree of condemnation and destruction. (F. & D. no. 29891. Sample no. 20294-A.)

Examination of the drug preparation Nervotol disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle and carton labels and in a circular shipped with the article.

On March 10, 1933, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 118 bottles of Nervotol at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce, on or about October 4, 1932, by the Brunswig Drug Co., from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Nervotol * * * Manufactured for Vitono Medicine Co., Los Angeles, California."

Analysis of a sample of the article by this Department showed that it consisted essentially of compounds of calcium, sodium, potassium, hypophosphites, small proportions of iron and manganese compounds and quinine, sugar, alcohol (13.3 percent by volume), and water.

It was alleged in the libel that the article was misbranded in that statements appearing in the labeling (carton, bottle label, and circular) contained false and fraudulent statements regarding its usefulness as a treatment for "nerves, lack of pep, tired feeling, memory lag, difficult concentration, anemia, under nourishment, brainfag, mental and physical exhaustion, lost vitality, affected or weakened sex glands, loss in weight, catarrhal conditions of the stomach or digestive tract, female disorders, anemic girls entering puberty, delayed, painful or profuse menstruation, symptoms associated with change of life in women, mineral deficiency in expectant mothers, defective bone, teeth, and blood formation in the growing child, rickets, cretinism, wrinkled, scaly, yellow skin, watery eyes, rundown systems resulting from coughs, colds, bronchial affections and general debility, pulmonary affection, severe constipation, insomnia, prostration, stomach pains, 'TB', ulcers of the stomach, and tonsillitis." Similar claims were made in the Spanish language.

On April 4, 1933, no claimant having appeared for the property, judgment of condemnation 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.*

20928. Misbranding of Novolek. U. S. v. 21 Bottles of Novolek. Default decree of condemnation and destruction. (F. & D. no. 29997. Sample no. 24594-A.)

Examination of the drug preparation Novolek disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the bottle and carton labels and in the circulars shipped with the article.

On March 28, 1933, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 bottles of Novolek at Milwaukee, Wis., alleging that the article had been shipped on or about June 6, 1932, by Health Research Laboratories, from Detroit, Mich., into the State of Wisconsin, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of extracts of plant drugs including a laxative drug, sodium bicarbonate, small proportions of calcium and magnesium compounds, alcohol, glycerin, sugar, and water, flavored with peppermint oil.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative or therapeutic effects were false and fraudulent: (Bottle label) "A Scientific Treatment For Aiding the Digestive Organs and to Help Eliminate the Causes of Chronic Constipation, Catarrh of the Stomach and Intestines. * * * Indigestion, Kidney and Liver Trouble, Rheumatism, Colitis, Piles, Chronic Headaches, Impure and Weak Blood, Body Poisons, Pimples, and Loss of Appetite. * * * Health"; (carton label) "A Scientific Treatment For Aiding the Digestive Organs and to Help Eliminate the Causes of Chronic Constipation, Catarrh of the Stomach and Intestines * * * Indigestion, Kidney and Liver Trouble, Rheumatism, Colitis, Piles, Chronic Headaches, Impure and Weak Blood, Body Poisons, Pimples, and Loss of Appetite. * * * Stimulates the Digestive Secretions of the Stomach, Regulates the Liver and Kidneys, Purifies the Blood, * * * Helps to Build the Body. * * * Health * * * Beneficially Affects the Stomach, Thereby Producing an Excellent Effect Upon the General State of Health. * * * Tones the Stomach and Stimulates the Digestive Secretions of the Stomach. It Regulates the Bowels"; (circular) "The stomach medicine * * * Tones the stomach and stimulates the digestive secretions of the stomach. It regulates the bowels * * * A Scientific Treatment For Aiding the Digestive Organs to Correct Improper Functions and Chronic Constipation, Catarrh of the Stomach and Intestines, * * * Indigestion, Kidney and Liver Trouble, Chronic Appendicitis, Rheumatism, Colitis, Piles, Chronic Headaches, Restless Sleep, Nervousness, Impure and Weak Blood, Body Poisons and Skin Eruption Such as Pimples. Loss of Appetite and Weight. * * * To Obtain Best Results, Follow These Directions: * * * a scientifically compounded medicine that has great merits; and to justify you in buying this