

Misbranding was alleged with respect to the product in one of the shipments for the reason that the statement, "Net Wt. 2 Ounces", was false and misleading.

On June 21, 1933, the Mills Sales Co., Chicago, Ill., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant for relabeling under the supervision of this Department, upon payment of costs and the execution of good and sufficient bonds, conditioned that it should not be sold or otherwise disposed of contrary to the Food and Drugs Act and all other laws.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21220. Misbranding of Alberty's Anti-Diabetic Vegetable Compound capsules. U. S. v. 172 Boxes of Alberty's Anti-Diabetic Vegetable Compound Capsules. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 30538. Sample nos. 38255-A, 38256-A.)**

Examination of the drug preparation involved in this case disclosed that it contained no ingredients or combination of ingredients which would justify the therapeutic claim that it was "Anti-Diabetic."

On May 29, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 172 boxes of Alberty's Anti-Diabetic Vegetable Compound Capsules at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about October 21 and November 1, 1932, by U. S. Okey, from Hollywood, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Alberty's Anti-Diabetic Vegetable Compound Capsules \* \* \* The Alberty Food Laboratories \* \* \* Hollywood, Calif."

Analysis of a sample of the article by this Department showed that it consisted essentially of powdered plant materials.

It was alleged in the libel that the article was misbranded in that the statement on the label, "Anti-Diabetic", was a statement regarding the curative or therapeutic effect of the article and was false and fraudulent.

On June 8, 1933, Thomas Martindale & Co., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$258, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

**21221. Adulteration and misbranding of Regum Mouth Paste. U. S. v. Daniel B. Morgan and Carl O. Sampson (Morgan & Sampson). Pleas of guilty. Fine, \$60. (F. & D. no. 28194. I. S. no. 23403.)**

Examination of the Regum Tooth Paste on which this case was based disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Tests of the article also showed that it was not an antiseptic, as claimed.

On January 21, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Daniel B. Morgan and Carl O. Sampson, copartners trading as Morgan & Sampson, San Francisco, Calif., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about February 24, 1932, from the State of California into the State of Oregon, of a quantity of Regum tooth paste which was adulterated and misbranded. The article was labeled in part: (Tube) "Regum Tooth Paste \* \* \* Manufactured by Red Gum Products Co., San Francisco"; (circular) "An active antiseptic."

Analysis of a sample of the article by this Department showed that it consisted essentially of calcium carbonate, glycerin, soap, small proportions of zinc chloride and resins, and water, flavored with aromatics.

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented to be an active antiseptic, whereas it was not an active antiseptic.

Misbranding was alleged for the reason that the statement in the circular, "An active antiseptic", was false and misleading. Misbranding was alleged