

Misbranding was alleged for the further reason that the following statements appearing in the labeling were false and misleading: (Circular, all lots) "Vapex is produced in England by Thos. Kerfoot & Co., Ltd."; (cartons of portion) "Vapex is produced in England by Thos. Kerfoot & Co., Ltd."; (cartons of remainder) "Vapex is a product of Thos. Kerfoot & Co., Ltd., Bardsley, England." Misbranding was alleged for the further reason that the statement appearing in the circular, regarding the curative and therapeutic effect of the article, "Laboratory tests have proved that the Vapex vapor kills the pathogenic bacteria present in the breathing passages", was false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effect claimed.

Donalds Limited, Inc., a Delaware corporation, appeared and filed a claim for the property. On August 18, 1933, proclamation having been made and defaults having been entered against the claimant for failure to file answers, judgments of forfeiture were entered and it was ordered by the court that the product be destroyed by the United States marshal.

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

21231. Misbranding of Burbank kelp. U. S. v. 21 Cans of Burbank Kelp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30468. Sample no. 36593-A.)

Examination of samples of the product Burbank kelp disclosed that it contained no ingredients or medicinal agents capable of producing certain curative and therapeutic effects claimed on the can label.

On May 17, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 cans of Burbank kelp at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on January 14, 1933, by the Vegetable Products Corporation, from Burbank, Calif., 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 ground sea weed.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the article, appearing on the can label, were false and fraudulent: " * * * and stabilization of iodine metabolism. It is indicated as a relief for certain deficiency diseases and glandular disturbances, particularly goitre. It is also recommended for the relief of some forms of nervousness, rheumatism, asthma, anemia, and digestive trouble. * * * Directions Adult Dosage—Teaspoonful three times daily at mealtime. Usually taken dry, followed by water, but may be mixed in orange or tomato juice. Smaller quantities for children, according to age."

On June 16, 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.

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

21232. Adulteration and misbranding of Foster's white camphor liniment. U. S. v. 25 9/12 Dozen and 28 9/12 Dozen Bottles of Foster's White Camphor Liniment. Default decrees of destruction entered. (F. & D. nos. 30543, 30544. Sample nos. 39101-A, 39175-A.)

These cases involved a product sold under a name recognized in the United States Pharmacopoeia, which fell below the pharmacopoeial requirements. It was represented to be a camphor liniment, and contained significant proportions of other drugs. The labels also bore unwarranted curative and therapeutic claims.

On May 31, 1933, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 54½ dozen bottles of Foster's white camphor liniment at Savannah, Ga., alleging that the article had been shipped in interstate commerce, on or about April 7 and April 27, 1933, by the Keystone Manufacturing Co., Inc., from South Boston, Va., and charging adulteration and 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 volatile oils including camphor oil, ammonia (approximately 2 percent), soap, and water.