

the following statements regarding its curative or therapeutic effects were false and fraudulent: "Relieves sick Headache, and generally prevents it if taken when first symptoms are noticed. Especially recommended for all aches and pains peculiar to women. * * * You will get most satisfactory results when taken for Flu, Grippe * * * We recommend Rogers' Headache Soda for loss of sleep or an overworked brain, and believe you will feel refreshed and find your brain to be clear and active. It makes no difference what causes the pain, take a dose of Rogers' Headache soda and you are very likely to get relief. * * * Directions—For * * * Neuritis * * * Etc. * * * For * * * Flu, Grippe, Etc. * * * Directions—For Nervousness, Sleeplessness, Etc. * * * For Nervousness."

On September 20, 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.*

21534. Misbranding of Aromist. U. S. v. 14 Dozen Packages of Aromist, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30349. Sample nos. 33626-A, 35525-A.)

Examination of the drug preparation Aromist disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On April 26, 1933, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 dozen packages of Aromist with atomizer, and 14 dozen packages of Aromist without atomizer, alleging that the article had been shipped in interstate commerce, on or about January 19, 1933, by T. J. Holmes Co., Inc., from Chartley, Mass., 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 volatile oils (approximately 13 percent) including lavender oil, cardamon oil, menthol, camphor, and eucalyptol; alcohol, and small proportions of glycerin and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the article, were false and fraudulent: (Bottle label and carton) "For * * * sore throat, * * * Excellent for * * * skin infections"; (white circular) "Prophylactic, * * * prophylactic * * * may prevent serious sickness. A few sprays to the nose and throat on arising and at bedtime act as an aid to nature in combating disease germs. * * * value * * * is soon noted in cases of sore throat and influenza. * * * recommended for skin infections. * * * invigorates"; (display carton) "A powerful aid in combatting * * * Sore throat—Influenza."

On November 8, 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.*

21535. Adulteration and misbranding of Consolidated Stock and Poultry Compounds. U. S. v. Fourteen 3-Pound Packages of Consolidated Stock Compound, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30744. Sample nos. 37430-A, 37431-A.)

This case involved products sold as stock and poultry conditioners and represented to contain yeast and cod-liver oil. Examination showed that the articles contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. No yeast nor cod liver oil were in the samples of the products analyzed.

On July 24, 1933, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 packages of Consolidated Stock Compound and 18 packages of Consolidated Poultry Compound at Turner, Oreg., alleging that the articles had been shipped on or about February 7, 1933, from Hutchinson, Kans., in the name of the consignee, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles by this Department showed that the Consolidated Stock Compound consisted essentially of calcium carbonate, magnesium sulphate, ferrous sulphate, small proportions of sulphur, quassia, and

fenugreek seed, and a trace of nux vomica; and that the Consolidated Poultry Compound consisted essentially of calcium carbonate, magnesium sulphate, iron oxide, and small proportions of sulphur, quassia, and capsicum. Yeast and cod-liver oil were not present in either article.

It was alleged in the libel that the articles were adulterated in that their strength and purity fell below the professed standard or quality under which they were sold, as follows: (Stock Compound, leaflet) "Consolidated Stock Compound contains the following ingredients: * * * Yeast, Cod Liver Oil"; (Poultry Compound, leaflet) "Consolidated Poultry Compound contains the following ingredients and no other: Dry Yeast, Cod Liver Oil * * *"

Misbranding was alleged for the reason that the following statements appearing in the labeling were false and misleading: (Stock Compound, leaflet) "Consolidated Stock Compound contains the following ingredients: * * * Yeast, Cod Liver Oil * * * Larger Savings to the Farmer and Feeder * * * Successful Dairying All Dairymen know that success or failure very largely depends upon a balanced ration containing the essential vitamins: Yeast and Cod Liver Oil combined with the necessary minerals in order to make it profitable both in growth and production. * * * Consolidated Stock Compound usually shows a very large percent of profit as it assists in promoting growth and earlier development. * * * When mixing 3 lbs. of Consolidated Stock Compound with 100 lbs. of ordinary salt makes an exceptional balanced ration for sheep without forcing the animal. It assists in increasing the appetite and promoting digestion thus causing a rapid growth"; (Poultry Compound, carton) "For Production of Eggs"; (leaflet) "Consolidated Poultry Compound is a highly concentrated product making a well balanced combination of essential vitamins and minerals and is especially designed to provide the elements which are not present in the grain ration for growth and development. * * * Economy and Production Consolidated Poultry Compound contains the following ingredients and no other: Dry Yeast, Cod Liver Oil * * * as it supplies the elements necessary to build the body of the fowl for continued pen production." Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the articles were false and fraudulent: (Stock Compound, leaflet) "Healthy Livestock Pays a Handsome Profit While Unthrifty Animals Usually Show a Severe Loss. Consolidated Stock Compound stimulates the appetite, promotes digestion, and prevents many of the common ailments to which the overworked cow is subject. Consolidated Stock Compound * * * Naturally the most common diseases among hogs are materially reduced. The most common diseases among sheep are due to improper care and treatment, improper or insufficient food and may result from ranging on wet or damp soil, causing derangement of the stomach, liver or bowels. The horse * * * should never be allowed to become unthrifty. Consolidated Stock Compound is a scientific product, highly recommended as an appetizer which naturally causes a smooth glossy coat, good spirit and staying qualities. It is very beneficial (sic) in growing and fattening livestock by increasing the appetite, promoting the digestion * * *"; (coupon) "I hereby agree to use Consolidated Stock Compound according to directions printed on package, to justify the free use of a veterinary surgeon for diseases contracted after one month of consecutive feeding"; (veterinary surgeon service certificate) "This is to certify, That the Consolidated Salt Co., Inc., of Tiffin, Ohio, on the basis of a signed statement, issued under date of _____, 193__ to _____ of _____ State, _____ showing purchase by him of _____ pounds Consolidated Stock Compound, does hereby agree to furnish a Veterinary Surgeon absolutely free when his stock becomes sick from any disease, _____ horses, _____ sheep, _____ cows and _____ hogs, provided he has used this product continuously and fed according to directions which appear on the package, viz: one-half pound per week to each horse and cow, and one-fourth pound per week to each hog and sheep and lesser amounts for young animals, for a period of 30 days from date hereof, and we will continue this guarantee on any animals so fed"; (Poultry Compound, carton) "For Sick Fowls: Separate (sic) the sick fowls from those not already affected and give one tablespoonful daily for every 10 fowls."

On November 6, 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.*