

Bronchial tubes.' Use Hermance's Asthma & Hay Fever Medicine as directed, otherwise the good effects of a good medicine may be lost." (Similar statements made in foreign languages.)

On March 25, 1932, Claude A. Bell, Lowell, Mass., appeared as owner and claimant and filed an answer denying the misbranding charge. On September 15, 1933, the claim and answer were withdrawn, and judgment was entered by the court condemning the product and ordering its destruction.

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

21581. Adulteration and misbranding of Nu-Vita Yeast. U. S. v. 20 Sacks of Nu-Vita Yeast for Livestock and Poultry. Default decree of forfeiture and destruction. (F. & D. no. 30598. Sample no. 22247-A.)

This case involved a product labeled to convey the impression that it consisted essentially of yeast. Examination showed that the article consisted largely of corn meal, with a small amount of barley and an unimportant proportion of yeast present. The article would not make feed more available in stock and poultry production as claimed, and contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On June 26, 1933, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 sacks of Nu-Vita Yeast for Livestock and Poultry at New Richmond, Wis., alleging that the article had been shipped in interstate commerce on or about May 23, 1933, by the George D. Miller Co., from Waterloo, Iowa, 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 corn meal, with small proportions of a barley product and yeast. The yeast constituted approximately 1 percent of the product.

It was alleged in the libel that the article was adulterated under the provisions of the law relating to food in that a substance, corn meal, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength.

Misbranding of the article, considered as a food, was alleged for the reason that the statements, "Nu-Vita Yeast for Livestock and Poultry * * * Nu-Vita Stock Yeast The Utmost in Feeding Value for Livestock and Poultry. * * * Nu-Vita Yeast * * * When allowed to thoroughly ferment the unavailable proteins are released, fibrous matter reduced, and the animal receives more from the feed in this method than any other manner", were false and misleading, since it would not produce the results claimed and since it consisted essentially of corn meal, with small portions of a barley product and approximately 1 percent of yeast.

Misbranding was alleged under the provisions of the law relating to drugs in that the following statements, borne on the directions card, regarding the curative and therapeutic effects of the article, were false and fraudulent: "White Diarrhea And Coccidiosis. Remove all other feed. Mix 2 pounds of Nu-Vita Yeast to every 100 pounds of feed or mash. Ferment 24 hours with luke warm water. Reduce moisture by mixing with just enough dry mash to make the ration crumbly. Feed enough to keep them a little hungry. Necro and Scours. In severe cases of Necro always feed a slop. Mix 2 pounds of Nu-Vita Yeast with 50 pounds bran and 50 pounds ground hulled oats fermented. Feed night and morning as a thin gruel slop. If there is a tendency for Scouring at any time during the feeding of Nu-Vita Yeast reduce the amount in the feed for a day or so."

On August 10, 1933, no claimant having appeared for the property, judgment of 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.*

21582. Misbranding of Super Culture Hylactic Yeast Feed. U. S. v. 104 Bags of Super Culture Hylactic Yeast Feed. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29796. Sample no. 24370-A.)

This case involved a shipment of a product intended for use as a stock conditioner. Examination showed that the article would not increase the feeding value of common grains 20 to 30 percent as represented in the circular,

would not aid in fattening livestock, would not aid in the production of beef, and would not stimulate milk production as claimed. The article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On February 24, 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 104 bags of the said Super Culture Hylactic Yeast Feed at Winslow, Ill., alleging that the article had been shipped in interstate commerce on or about October 31, 1932, by the Super Culture Sales Co., from Sioux City, Iowa, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the material by this Department showed that it consisted essentially of plant material, including wheat and yeast, and inorganic material, including sodium chloride (5 percent), sodium bicarbonate (3.3 percent), and iron oxide (1.3 percent).

It was alleged in the libel that the article was misbranded in that the following statements contained in the circular shipped with the article were false and misleading: "Increases the food value of grains 25% * * * A Bone, Flesh and Fat Builder Shortens the Time to Market, * * * It has long been known that yeast when mixed with other feeds makes a supplementary balance * * * makes them more readily assimilable when eaten; in other words, increasing their food value * * * Super Culture Yeast Feed is a supplementary balance for the Farmers' home grown feeds. * * * makes them more easily digested, opens up the feed values in all hard grains grown on the farm * * * Tests held by us for over a period of two years, show that when mixed with oat hulls, about 4% protein is produced. That actual feeding value of oats is increased about 20%. When used with other ground grains the food value is increased about 25% and in some instances 30%. * * * Super Culture Hylactic Yeast Feed produces more beef quicker, cheaper and with less feed. When fed to dairy cows this wonderful stimulant abundantly increases the milk supply. Super Culture Feed Concentrate The All Purpose Feed."

Misbranding was alleged for the further reason that the following statements regarding its curative or therapeutic effects on the article, appearing in the circular, were false and fraudulent: "The scientific world stands amazed at the curative properties in yeast. * * * But it has only lately been discovered that yeast feeds are marvelous as a gland stimulator and a great aid in keeping the intestinal tract clean and healthy. Increases appetite * * * Super Culture is a great help in necro pigs. Pigs with necro will put on a gain and be helped of the necrotic condition while feeding Super Culture Hylactic Yeast Feed. Treating Hogs for Necro or Necrotic Enteritis * * * shut off all other feeds and pastures or treatment will be a failure."

On May 26, 1933, William Hite, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant to be relabeled under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$750.

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

21583. Misbranding of Parkelp. U. S. v. 136 Cans of Parkelp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30429. Sample no. 34216-A.)

Examination of the drug preparation Parkelp disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the carton and in the accompanying circular.

On May 9, 1933, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 136 cans of Parkelp at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about March 30, 1933, by the Philip R. Park Laboratories, Inc., from Chicago, Ill., 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 plant material yielding 29 percent of ash consisting