

Misbranding was alleged for the reason that the statement on the label, "Fluid Extract Squill U. S. P. X.", was false and misleading.

On March 26, 1934, 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.*

**22337. Adulteration and misbranding of emulsion of cod liver oil, and adulteration of syrup of hypophosphites compound. U. S. v. Moore & Co., Inc. Plea of nolo contendere. Fine, \$30. (F. & D. no. 31450. Sample nos. 8353-A, 8360-A.)**

This case was based on interstate shipments of emulsion of cod liver oil and syrup of hypophosphites compound. Analyses showed that the former contained less cod liver oil than declared on the label, and that the latter contained less calcium hypophosphite than provided in the National Formulary.

On March 2, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Moore & Co., Inc., Worcester, Mass., alleging shipment by said company, from the State of Massachusetts into the State of Pennsylvania, on or about December 19, 1931, of a quantity of emulsion of cod liver oil which was adulterated and misbranded, and on or about March 29, 1932, of a quantity of syrup of hypophosphites compound which was adulterated. The articles were labeled in part: "Lees Emulsion of Pure Norwegian Cod Liver Oil \* \* \* 33½% Cod Liver Oil, with Hypophosphites lime and soda"; "Lees Syrup Hypophosphites Compound Clear."

It was alleged in the information that the emulsion of cod liver oil 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 contain 33½ percent of cod liver oil, whereas it contained a less amount, namely, not more than 30.48 percent of cod liver oil.

Adulteration of the syrup of hypophosphites compound was alleged for the reason that it was sold under a name recognized in the National Formulary, and differed from the standard of strength, quality, and purity as determined by the test laid down therein, since it contained less than 35 grams of calcium hypophosphite per 1,000 cubic centimeters; whereas the National Formulary provides that each 1,000 cubic centimeters of syrup of hypophosphites compound shall contain not less than 35 grams of calcium hypophosphite, and the standard of strength, quality, and purity of the article was not declared on the container.

Misbranding of the emulsion of cod liver oil was alleged for the reason that the statement, "33½% Cod Liver Oil", borne on the carton and on the bottle label, was false and misleading, since the article contained less than 33½ percent of cod liver oil.

On March 19, 1934, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$30.

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

**22338. Misbranding of Kelp-A-Malt. U. S. v. 33 Bottles of Kelp-A-Malt. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31877. Sample no. 37892-A.)**

This case involved an interstate shipment of Kelp-A-Malt, the labels of which bore unwarranted claims as to its effectiveness as a curative and therapeutic agent, and its value as a source of vitamins and minerals.

On January 25, 1934, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 bottles of Kelp-A-Malt at Baltimore, Md., alleging that the article had been shipped in interstate commerce by the Allied Laboratories, from New York, N.Y., on or about January 22, 1934, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Prepared by The Kelpamalt Company \* \* \* New York."

Analysis of a sample of the article by this Department showed that it contained ground vegetable material, starch, malt extract, and 14.9 percent of ash (mineral matter) including compounds of copper, manganese, iron, magnesium, calcium, potassium, silica, phosphorus, and iodine.

It was alleged in the libel that the article was misbranded in that the statement on the bottle label, "Abounds in rich, vital minerals and vitamins so absolutely essential to the human body", was false and misleading, since

products of this character in the dosage recommended are not adequate sources of all the vitamins and minerals. Misbranding was alleged for the further reason that the following statements on the package, regarding the curative or therapeutic effects of the article, were false and fraudulent: "Indicated for certain deficiency diseases and glandular disturbances. \* \* \* employed for the treatment of some forms of nervousness, simple anaemia and digestive disorders. \* \* \* Directions Adult dosage: 2 to 3 tablets three times daily at meal time. Tablets may be chewed and swallowed with water or may be crushed and mixed in orange or tomato juice. For Children: Smaller quantities according to age."

On March 8, 1934, 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.*

**22339. Misbranding of witch hazel. U. S. v. 213 Bottles of Witch Hazel. Default decree of forfeiture and destruction. (F. & D. no. 32036. Sample no. 58248-A.)**

This case involved an interstate shipment of witch hazel water, the labels of which bore unwarranted curative and therapeutic claims.

On February 26, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 213 bottles of witch hazel at Boston, Mass., alleging that the article had been shipped in interstate commerce, on or about August 29, 1933, by the Hygienic Pharmacal Laboratories, "for Gilchrist Company" from New Haven, Conn., and charging misbranding in violation of the Food and Drugs Act as amended.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding its curative and therapeutic effects, were false and fraudulent: "For the relief of \* \* \* wounds, painful swellings, lame back, piles, sore throat, \* \* \* rheumatism, \* \* \* etc. etc. Directions: For all external inflammation bathe freely with the Extract and if convenient apply a cloth wet with the Extract and keep it moist until relieved. For open Wounds, Ulcers, Old Sores, Sore Nipples, Sore Eyes & dilute one half with pure water and use in the same way."

On March 26, 1934, 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.*

**22340. Misbranding of Acme Stock Tone. U. S. v. Twenty-two 3-Pound Packages of Acme Stock Tone. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30542. Sample no. 36823-A.)**

This case involved a drug preparation, the labels of which bore unwarranted curative and therapeutic claims. It was also claimed for the article that it was effective to increase milk production in cows, growth in hogs, etc., whereas it was valueless for such purposes.

On June 1, 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 22 packages of Acme Stock Tone at Delta, Mo., alleging that the article had been shipped in interstate commerce, on or about January 20, 1933, by the Acme Salt Co., Inc., from Hutchison, Kans., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Acme Stock Tone \* \* \* Manufactured only by Acme Stock Salt Company, Inc., Tiffin, Ohio."

Analysis of a sample of the article by this Department showed that it consisted of a large proportion of lime carbonate, small proportions of silica, magnesium sulphate, ferrous sulphate and sulphur, and minute amounts of quassia, nux vomica, fenugreek, phosphate and whole American wormseed.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the circular accompanying the article were false and misleading: "Acme Stock Tone \* \* \* will give your cows an excellent appetite, increase the digestive organs so that the greatest quantity of rich milk will be produced. This product can be economically fed to both small and large herds, in fact, it will pay a nice profit if used on a single cow. It is a valuable food assimilator. \* \* \* which assists in causing rapid growth as well as increased production. \* \* \* Increases the flow of milk, causes the