

... Yet fat simply vanishes. * * * Directions. Add one heaping teaspoonful of Stardom's to a glass of milk, water or any of the citrus fruit juices, such as orange, pineapple, grapefruit, tomato or grape juice. This should be taken in place of one or two fat-forming meals daily, followed by a cup of coffee or tea, if desired. However, eat one adequate meal daily, as your system needs bulk for proper elimination. Stardom's instantly dispels hunger, as it supplies your system with food elements which are alive, such as, Vitamins A, B, C, D, and E, six Minerals, namely, lime, phosphorus, potassium, sodium, chlorine, and magnesium, Lecithin, a nerve and brain food, and the carbohydrates necessary to assist normal body activities in burning up existing fat as quickly as it can safely be done. Stardom's could well be named 'Miracle Food' as it is a vitalizer, normalizer, and slenderizer." Misbranding was alleged with respect to a portion of the article, for the further reason that the statement on the label, "Net Contents Seven Ounces", was false and misleading and tended to deceive and mislead the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

The Hollywood Diet Corporation entered an appearance as claimant in each case and filed answers to the original libels. On March 8, 1935, no amended answer having been filed to the amended libel filed in the Northern District of New York, judgment was entered in that case condemning the product and ordering that it be destroyed. On March 12, 1935, the answers filed in the remaining cases having been withdrawn, judgments of condemnation and destruction were entered.

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

24523. Misbranding of Cal-Cod. U. S. v. 7 Cans of Cal-Cod. Consent decree of condemnation and destruction. (F. & D. no. 32987. Sample no. 7952-A.)

This case involved a product which was labeled to convey the impression that it contained the active and important constituents of cod-liver oil. Biological examination, however, showed that it contained no significant amount, if any, of vitamin D, one of the therapeutically active constituents of cod-liver oil. The labeling also bore unwarranted curative and therapeutic claims.

On or about June 23, 1934, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven cans of Cal-Cod at Glastonbury, Conn., alleging that the article had been shipped in interstate commerce on or about April 7, 1934, by the Cal-Cod Process Co., from Wappingers Falls, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of a calcium soap.

The article was alleged to be misbranded in that the statements, "Cal-Cod", and "A product embodying Dried Norwegian Cod Liver Oil Principals in highly vitalized form and value", and "Dry mixing eliminates all messy, nasty work of liquid oil mixing", were false and misleading, since they created the impression that the article contained the physiologically active and therapeutically important constituents of cod liver oil, whereas it did not. Misbranding was alleged for the further reason that the following statements appearing in the labeling were statements regarding the curative or therapeutic effects of the article and were false and fraudulent: "Health Growth Vigor * * * Easy to mix with any Poultry or Dairy ration for increased productivity, growth, vigor or vitality."

On March 16, 1935, the Cal-Cod Process Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

24524. Misbranding of Korum. U. S. v. 42 Bottles of Korum. Default decree of condemnation and destruction. (F. & D. no. 33016. Sample no. 72507-A.)

This case involved a drug preparation the labeling of which contained unwarranted claims regarding its efficacy in the treatment of the diseases of poultry.

On July 6, 1934, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court

a libel praying seizure and condemnation of 42 bottles of Korum at Lincoln, Nebr., alleging that the article had been shipped in interstate commerce on or about March 28, 1934, by the I. D. Russell Co., from Kansas City, Mo., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of sodium chloride (4.8 percent), potassium chlorate (5 percent), potassium dichromate (4.2 percent), magnesium sulphate (1.6 percent), a nitrate, and water.

The article was alleged to be misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the labeling, were false and fraudulent: "Cholera, Coccidiosis, Chicken-pox, Roup or Diarrhea, * * * Poultry Raiser: 'Do you think it is possible to prevent most of these common diseases of poultry?' Answer: Yes. Poultry Raiser: 'How?' * * * It is very often necessary to keep some solution in the drinking water that will kill germs. * * * Korum aids in getting the intestines in a condition so worms will be expelled easily and it aids in healing walls of the intestines that may have been irritated by worms. * * * Poultry Raiser: 'Don't you make a Roup Remedy, Cholera Remedy, Diarrhea Remedy, etc., or in other words, have a remedy for each disease?' Answer: No, as a rule, poultry diseases that are not caused by effects of lice and worms, are caused by germs. Korum kills germs, has tonic properties and aids the fowl in building up its resistance; acts as a mild laxative, helps the fowl throw off poisons that are in its system. Many of the diseases that affect fowls are contracted through the fowl's drinking water, others may be contracted from moldy feeds or things picked up by the fowl. In either case, Korum gets in its work in the drinking water, in the crop or in the intestines. Our experience and tests, as well as results obtained from actual poultry raisers, both large and small, have proven that Korum when used proves very helpful to poultry raisers everywhere in the treatment of germ and intestinal diseases. In fact, so beneficial, we do not deem it necessary to put out so many different remedies. * * * Korum helps the flock to get into condition, quickly guards against disease, and prevents the drinking water from becoming contaminated. Korum is also highly recommended and very beneficial for baby chicks. It is an aid in protecting them from common ailments—simple diarrhea, bowel troubles, etc."

On March 23, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

24525. Alleged misbranding of Gizzard Capsule. U. S. v. 18 Packages, et al., of Gizzard Capsule. Tried to the court; judgment for claimant. Libel ordered dismissed and product delivered to claimant. (F. & D. no. 33165. Sample nos. 3330-B, 3331-B, 3332-B.)

On August 8, 1934, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel (amended January 24, 1935) praying seizure and condemnation of 47 packages of Gizzard Capsule at Kansas City, Mo., alleging that the article had been shipped in interstate commerce in part on or about October 3, 1933, and in part on or about March 6, 1934, by the Geo. H. Lee Co., from Omaha, Nebr., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of kamala, nicotine (66 milligrams per tablet), copper oxide (371 milligrams per tablet), a small proportion of chenopodium oil, and graphite.

The article was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects were false and fraudulent: (Package) "For * * * Large Tape Worms and Pin (Ceca) Worms in Chickens and Turkeys * * * For the Removal of * * * Large Tape and Pin (Ceca) Worms in Poultry * * * delivers the medicine, undiluted, fresh and full strength directly upon the worms in the intestines"; (circular) "For * * * Large Tape and Pin Worms in Chickens and Turkeys * * * To lay well, hens must be reasonably free from worms * * * Worm your flock with Gizzard Capsules; * * * to expel the worms * * * the exact full strength dose of worm medicine is emptied into the intestines and reaches the worms."

On February 1, 1935, the Geo. H. Lee Co., having appeared as claimant for the property and a jury having been waived, the case was submitted to the court on the pleadings, evidence, written briefs, and arguments of counsel. On February 2, 1935, the court made the following findings of fact and conclusion of law in favor of the claimant (Otis, *District Judge*):