

medical profession had not given it such endorsement. It was alleged to be misbranded further in that the package failed to bear on its label a statement of the quantity or proportion of isopropyl alcohol contained therein.

On February 7, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26963. Adulteration and misbranding of M. Edouard's B. Acidophilus Compound. U. S. v. Zoltan Hubay (. Hubay). Plea of guilty. Fine, \$150. (F. & D. no. 36985. Sample no. 33038-B.)

The package label of this article bore false and fraudulent curative and therapeutic claims; and representations that it was a *Bacillus acidophilus* compound, that it contained dextrin, kelp, and 16 chemicals and 32 organic minerals that the body is composed of, that it was not a purgative, a cathartic, nor a physic, and that it furnished an unbroken chain of vitamins which is so necessary to perfect health, all of which were false and misleading.

On February 2, 1937, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Zolton Hubay, trading as Z. Hubay, Memphis, Tenn., charging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about August 12, 1935, from the State of Tennessee into the State of Missouri of a quantity of M. Edouard's B. Acidophilus Compound that was adulterated and misbranded.

The article was labeled in part: (Package) "M. Edouard's B. Acidophilus Compound. A thoroughly scientific blend of the finest grades of psyllium, psylla, Japanese Agar Agar, Lactose, Dextrine, Cerea (Kelp which contains vitamins A, B, D, E, F, and G, and 16 chemicals, 32 organic minerals that the body is composed of), and other valuable food ingredients. * * * M. Edouard's B. Acidophilus Compound Edouard Diet System and B. Acidophilus Compound, a new scientific discovery, has and is being used with success. It is carefully given and designed for the following purposes: 1. To remove excessive infective Organisms from the large intestines. 2. To prevent toxic absorption. 3. To change the Intestinal Flora. 4. To introduce Living B. Acidophilus into the large intestines to prevent the growth of the infective types. 5. To stimulate the growth of the Native B. Acidophilus by introducing Lactose (milk sugar). 6. To draw moisture into the large intestines, which allows them to return to their normal softness. 7. To re-mineralize the body and furnish that unbroken chain of vitamins which is so necessary to perfect health. General Directions To Be Followed While Taking Diet, And B. Acidophilus Compound. Portion for Adults—Take 1 teaspoonful of Edouard's Compound before each meal, and 2 teaspoonfuls before retiring, each dose followed by a glass of water. For best results eat upon empty stomach before retiring. (Can be taken with glass of buttermilk, orange juice, or sweet milk.) Edouard B. Acidophilus is an anti-acid accessory food providing bulk and lubrication to promote and restore the natural activity of the digestive and eliminative organs. * * * Not a Purgative Not a Cathartic Not a Physic."

Analysis of the article showed that it consisted essentially of agar agar, psyllium seed, yeast, starch, mold, milk sugar, and phenolphthalein (3 grains for 5 teaspoonfuls); that no kelp nor dextrin was present; and that it contained no vitamin C. Bacteriological test showed that it contained no viable *Bacillus acidophilus*.

The article was alleged to be misbranded in that the statements regarding its curative or therapeutic effects, bore on the package labels, falsely and fraudulently represented that it would be effective to remove excessive infective organisms from the large intestines, to prevent toxic absorption; to change the intestinal flora, to introduce living *Bacillus acidophilus* into the large intestines to prevent the growth of the infective types; to stimulate the growth of the native *B. acidophilus*, to cause the return of normal softness to the large intestines, to remineralize the body, to furnish an unbroken chain of vitamins and to insure perfect health; effective as an anti-acid accessory food; and effective to promote and restore the natural activity of the digestive and eliminative organs.

The article was alleged to be misbranded further in that the statements, "M. Edouard's B. Acidophilus Compound", "Edouard Diet System and B. Acidophilus Compound", "Dextrine, (Kelp which contains vitamins A, B, D, E,

F, and G, and 16 chemicals, 32 organic minerals that the body is composed of)", "Not a Purgative Not a Cathartic Not a Physic", and "furnish that unbroken chain of vitamins, which is so necessary to perfect health", borne on the package labels, were false and misleading in that they represented that the article was *Bacillus acidophilus* compound; that it contained dextrin, and kelp which included vitamins A, B, D, E, F, and G, and 16 chemicals and 32 organic minerals that the body is composed of, that it was not a purgative, a cathartic, nor a physic, and that it would furnish an unbroken chain of vitamins which is so necessary to perfect health; whereas in fact the article was not *Bacillus acidophilus* compound, since it contained no *Bacillus acidophilus*, it contained no dextrin, no kelp which included vitamins A, B, D, E, F, and G, and 16 chemicals and 32 organic minerals that the body is composed of, it was a purgative, was a cathartic, and was a physic, and would not furnish an unbroken chain of vitamins which is so necessary to perfect health.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented that the article was *Bacillus acidophilus* compound which contained dextrin, kelp, and 16 chemicals and 32 organic minerals that the body is composed of, and that the article was not a purgative, was not a cathartic, and was not a physic, and that the article furnished an unbroken chain of vitamins which is so necessary to perfect health; whereas in fact the article contained no *Bacillus acidophilus*, no dextrin, and no kelp, and did not contain 16 chemicals and 32 organic minerals that the body is composed of, did contain an excessive number of viable molds, and did contain a cathartic drug, namely, phenolphthalein, and the article was a purgative and was a physic, and would not furnish an unbroken chain of vitamins which is so necessary to perfect health.

On February 5, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$150.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26964. Adulteration and misbranding of Firstaid Readymade Bandage with Mercurochrome. U. S. v. 1,440 Boxes of Firstaid Readymade Bandage with Mercurochrome. Consent decree of condemnation and destruction. (F. & D. no. 37889. Sample no. 72820-B.)

This article was represented on the label to be sterile, when it was not sterile, but contained putrefactive anaerobic, spore-forming bacilli.

On July 14, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,440 boxes of Firstaid Readymade Bandage with Mercurochrome at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about April 15, 1936, by the Seamless Rubber Co., from New Haven, Conn., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed standard and quality under which it was sold, namely, "Sterile dressing for applying to cuts, burns, slight wounds, etc.", in that it was not sterile, but did contain putrefactive anaerobic, spore-forming bacilli.

It was alleged to be misbranded in that the statement "Sterile dressing for applying to cuts, burns, slight wounds, etc.", appearing on the label, was false and misleading in that the article was not sterile, but did contain putrefactive anaerobic, spore-forming bacilli.

On December 16, 1936, the United Drug Co., of Boston, Mass., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26965. Misbranding of Tricasco. U. S. v. Tricasco Laboratories and Herman Smidler. Pleas of guilty. Fine, \$25 and costs. (F. & D. no. 37944. Sample nos. 55856-B, 55864-B.)

The labeling of this drug preparation bore false and fraudulent curative and therapeutic claims.

On November 19, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Tricasco Laboratories, of Chicago, Ill.,