

diseased condition, to supply the hormones directly responsible for the activating of the prostate secretions and to tone up the body; effective for a run-down condition; effective to cause youthful exhilaration, ambition, and desire for achievement, to supply the health and strength necessary for fulfillment—to go directly to the point of irritation in the more serious conditions of a diseased or semi-diseased prostate and to have rejuvenating results; effective as a relief of prostate afflictions, distress, internal distress, and glandular distress; effective to restore the vigor of youth and normal health; effective as a treatment, remedy, and cure for prostatic diseases caused by arthritis, and rheumatism, neuritis, and arthritis caused by glandular unbalance; effective to restore the diseased prostate gland to proper function; effective to make one look and feel as young at 70 as at 25; effective as a gland builder; effective to improve the nerve and muscular system, to increase endurance, to relieve and reduce swelling in the legs, to restore the appetite, and to produce energy; effective as a stimulant to the prostate gland, and as a treatment for impotence or any disorder arising from improper functioning of the prostate; and effective as beneficial in relieving most pains and aches due to failure of the glands to function; and that the Rx 333 was effective as a glandular treatment, as a health help and health preservative, as a preventive of the disasters accompanying the menopause, and as a relief from puzzling aches, nervousness, and worry; effective as a treatment for ovarian disorders, congestion, inflammation and enlargement, ovarian gland distress, aches, pains, puzzling illnesses and pains of middle age, sciatic aches, frequent urination, backaches, and constant blues; effective to stimulate and activate the ovarian gland; and as a relief from annoying symptoms of ovarian gland congestions; effective as a tonic for the ovarian gland, and as a treatment, remedy, and cure for amenorrhea (scanty, absent, or difficult menses), dysmenorrhea, certain types of sterility, sexual apathy, numerous neuroses and psychoses connected with irregular menstruation, circulatory unbalance and climacteric disorders, vomiting of pregnancy, obesity and nervous disturbances attending the menopause; effective as a relief for most pains and aches due to failure of the gland to function, and of ovarian abnormalities; effective to tone up the body, for a run-down condition, to cause youthful exhilaration, ambition, and desire for achievement, to supply the health and strength necessary for fulfillment; to go directly to the point of irritation in the more serious conditions of a diseased or semi-diseased ovarian gland and to have rejuvenating results; effective as a relief of ovarian afflictions, distress, internal distress, and glandular distress; effective to restore the vigor of youth and normal health; effective as a treatment, remedy, and cure for ovarian disorders caused by arthritis, and rheumatism, neuritis, and arthritis caused by glandular unbalance; effective to restore the diseased ovarian gland to proper function; effective to make one look and feel as young at 70 as at 25; effective as a gland builder; effective as a boon to the nervous system; to induce natural sleep and to increase strength and endurance; effective as a relief and treatment for arthritis and the discomforts caused by menopause; and effective to restore the ovarian gland to normal function.

Both products were alleged to be misbranded further in that the statement "Contains Alcohol 25 Per Cent," borne on the cartons, was false and misleading since they contained more alcohol than so represented, namely, 40 percent in the case of the Rx 444 and 34 percent in the case of the Rx 333. They were alleged to be misbranded further in that they contained alcohol and the labels on the packages failed to bear a statement of the quantity contained therein.

On November 8, 1937, defendants Arthur E. Fest and Benjamin H. Hickman entered pleas of nolo contendere and were each fined \$200. On the same date Wallace N. Key entered a plea of guilty and was sentenced to pay a fine of \$200. Costs also were assessed.

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

**28309. Misbranding of British Oil and Citrate of Magnesia. U. S. v. Levy Products, Inc. Plea of guilty. Fine, \$50. (F. & D. No. 38653. Sample Nos. 13282-C, 13283-C.)**

This case covered a product designated as British Oil the labeling of which contained false and fraudulent curative and therapeutic claims, and a product labeled to indicate that it was citrate of magnesia, which was not citrate of magnesia.

On June 2, 1937, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Levy Products, Inc.; Tampa, Fla., alleg-

ing shipment by said company in violation of the Food and Drugs Act as amended, on or about May 14 and June 1, 1936, from the State of Florida into the State of Georgia of quantities of British Oil and Citrate of Magnisa, respectively, which were misbranded. The articles were labeled in part: "British Oil \* \* \* Levy Products, Inc. Tampa, Florida"; "Citrate of Magnisa \* \* \* Columbia Drug Co. Savannah, Georgia."

Analysis of the British Oil showed that it consisted of a black viscous oil with an odor which indicated crude oil, turpentine, and other aromatic substances.

The British Oil was alleged to be misbranded in that certain statements, designs, and devices regarding its curative and therapeutic effects, borne on the wrapper, falsely and fraudulently represented that it was effective as a relief for all scorbutic and rheumatic disorders, contusions and contractions of the nerves, all wandering and other pains, palsy, lameness, swelling and inflammations, fresh wounds, cuts, ulcers, deafness, coughs, shortness of breath, consumption, phthisis, and inward disorders.

The Citrate of Magnisa was alleged to be misbranded in that the statement "Citrate of Magnisa," borne on the bottle label, was false and misleading in that it represented that the article was citrate of magnesia; whereas it was not.

On November 2, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$50.

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

**28310. Adulteration and misbranding of Malto-De. U. S. v. 11 Cans of Malto-De. Default decree of condemnation and destruction. (F. & D. No. 39925. Sample No. 36388-C.)**

The calcium, phosphorus, and vitamin D content of this article fell below the standard professed on its label. The labeling also bore false and fraudulent curative or therapeutic claims.

On July 2, 1937, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 cans of Malto-De at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about April 2, 1937, by Alberty Food Products, Inc., from Hollywood, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of glucose, cane sugar, cocoa, malt, and powdered dry milk. The sugars amounted to 79 percent; the protein to 10 percent, the calcium and phosphorus present as compounds of these elements amounted to less than one-half of 1 percent of the article; and each gram contained approximately one-half U. S. P. unit of vitamin D.

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, namely, (can label) "Contains 12½ per cent Soluble Calcium and Phosphorus to each pound mix. \* \* \* Eight heaping teaspoonsful approximately equal the calcium, phosphorous content in a quart of milk. Two rounding teaspoonsful of Malto-De when added to an eight ounce glass of milk \* \* \* is equal to: \* \* \* The calcium value of 4¼ glasses of milk. The phosphorous value of 2¾ glasses of milk. The vitamin 'D' value of 6-29 glasses of milk. One glass of average milk to which has been added one ounce portion (2 tsp.) Malto-De will be increased in potency as follows: \* \* \* Calcium value 370% Phosphorous value 225% Vitamin 'D' value 600% to 4650%." (Similar statements in booklet.)

It was alleged to be misbranded in that the statements, (can) "Malto-De \* \* \* containing calcium phosphorus D exceptionally rich in sunshine Vitamin 'D' Malto-De," together with the statements above quoted from the can label were false and misleading. It was alleged to be misbranded further in that the booklet shipped with it contained false and fraudulent representations regarding its effectiveness to correct a deficiency in calcium, phosphorus, and vitamin D; to obtain complete growth, strong, well-formed bones, sound, hard teeth; to maintain the perfect skeletal structure of the human body, and to obtain and preserve the normal, balanced relationship of phosphorus and calcium in such body; to prevent brittleness in the bones of aged persons; to promote an optimum state of health and vigor, to increase resistance to bacteria and to postpone senility and death; to protect living teeth against decay; to regulate phosphorus metabolism and calcium; to eliminate and prevent rickets; to