16% alcohol", borne on the carton and bottle labels, was false and misleading; for the further reason that the article contained alcohol and the label failed to bear a statement of the quantity or proportion of alcohol contained therein, the article containing less than the 16 percent of alcohol declared, the two lots containing 7.2 percent and 6.8 percent of alcohol, respectively.

On January 3, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $10 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20584. Adulteration and misbranding of National Yeastolized (Medicated) salt. U.S. v. National Feeders Corporation. Plea of nolo contendere. Judgment for $200 and costs. (F. & P. no. 28123. I.S. no. 18752.)

This action was based on the interstate shipment of a quantity of National Yeastolized (Medicated) salt. Samples taken from the article were found to contain little, if any, yeast, cod-liver oil, potassium iodide, or Epsom salt, substances which were represented to be ingredients of the article.

On September 2, 1932, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the National Feeders Corporation, Tiffin, Ohio, alleging shipment by said company in violation of the Food and Drugs Act, on or about June 13, 1931, from the State of Ohio into the State of Minnesota, of a quantity of National Yeastolized (Medicated) salt that was adulterated and misbranded. The article was labeled in part: "National Yeastolized (Medicated) Salt * * * Contains Yeast, Cod Liver Oil, * * * Potassium Iodide, * * * Epsom Salts. * * * Manufactured by The National Feeders Corp., Tiffin, Ohio."

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to contain an appreciable quantity of yeast, cod-liver oil, potassium iodide, and Epsom salts, whereas it contained little, if any, cod-liver oil, Epsom salts, or yeast, and no potassium iodide.

Misbranding was alleged for the reason that the statements, "Yeastolized (Medicated) Salt * * * Contains Yeast, Cod Liver Oil * * * Potassium Iodide * * * Epsom Salts", borne on the sacks containing the article, were false and misleading, since the article contained little, if any, cod-liver oil, Epsom salts, and yeast, and no potassium iodide.

On October 7, 1932, a plea of nolo contendere was entered on behalf of the defendant company, and on November 10, 1932, the court entered judgment against the defendant for $200 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20585. Misbranding and alleged adulteration of cactus butter. U.S. v. 94 Packages of Cactus Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29022. Sample no. 2094-A.)

This action involved a quantity of a product represented to be cactus butter, which was found to consist essentially of peanut butter with added oil and a trace of plant extractive material. Examination of the article disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On October 12, 1932, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 94 packages of cactus butter at Albuquerque, N.Mex., alleging that the article had been shipped in interstate commerce on or about May 17, 1932, by the Arizona Laboratories, Inc., from Phoenix, Ariz., to Albuquerque, N.Mex., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Cactus Butter * * * compounded and packed exclusively by Universal Cactus Food Products Phoenix, Arizona, * * * sole American distributor Phoenix Chemical Laboratories, manufacturing chemists * * * Phoenix, Arizona."

Analysis of a sample of the article by this Department showed that it consisted essentially of peanut butter with added oil and a trace of plant extractive material.

It was alleged in the libel that the article was adulterated in violation of section 7 of the act, under drugs, in that its strength and purity fell below the

professed standard or quality under which it was sold, cactus butter. Adulteration was alleged under section 7 in the case of food, in that a substance, peanut butter, had been substituted wholly or in part for the article.

Misbranding was alleged under section 8 of the act, in the case of drugs, for the reason that the article was an imitation of and was offered for sale under the name of another article; and in the case of food, for the reason that it was an imitation of and was offered for sale under the distinctive name of another article. Misbranding of the article, considered as a drug, was alleged for the further reason that the following statements appearing on the package, regarding the curative or therapeutic effects of the article, were false and fraudulent: "Cactus Butter is rich in sodium, iron, magnesium, potassium and all the mineral elements which are the building stones of the body. It stimulates, cleanses, revitalizes and restores normal functioning to the glandular system. * * * It has a great affinity for atmospheric oxygen, thereby purifying the blood-stream, improving the circulation and removing pathogenetic waste. This results, among other things, in removing skin blemishes and improving the complexion. It has very pronounced solvent qualities and prevents calcareous accumulations in the joints, muscles and tissues. It changes the intestinal flora, thereby normalizing the chyne. It restores normal functioning of the heart, kidneys, bowels and all vital organs. It feeds the nerves and removes the cause and effects of paralysis, nervous prostration, neuralgia, neuritis, worry and fear." Misbranding of the article, considered as a food, was alleged for the further reason that the following statements on the label were false and misleading and deceived and misled the purchaser: "Cactus Butter * * * This is a cactus butter compound * * * guaranteed to comply with all the pure food laws throughout the world. * * * A Latex from the Plant of Perpetual Youth."

On November 17, 1932, no claimant having appeared for the property, a decree was entered adjudging the product to be misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20586. Adulteration of tincture digitalis and tincture aconite root. U.S. v. Smith, Kline & French Laboratories. Plea of guilty. Fine, $600. (F. & D. no. 29356. I.S. nos. 38094, 38097, 38098.)

This case was based on two shipments of tincture digitalis and one shipment of tincture aconite root that were represented to be of pharmacopoeial standard. Examination of the articles showed that the tincture digitalis had a potency of approximately three fifths of that required by the United States Pharmacopoeia, and that the tincture aconite root had a potency of approximately one third of that required by the pharmacopoeia.

On February 17, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Smith, Kline & French Laboratories, a corporation, Philadelphia, Pa., charging violation of the Food and Drugs Act. It was alleged in the information that the defendant company had delivered to Smith, Kline & French, Inc., Philadelphia, Pa., on or about September 2, 1931, September 22, 1931, and October 2, 1931, quantities of tincture digitalis and tincture aconite root; that the articles had been guaranteed by the defendant as complying with the Federal Food and Drugs Act; that they had been shipped by the said Smith, Kline & French, Inc., in the identical condition as when delivered and guaranteed by the said defendant, or about September 26, and October 10, 1931, from the State of Pennsylvania into the State of New Jersey; and that they were adulterated in violation of the Food and Drugs Act. The articles were labeled in part: (Bottles) "S-K-F Tincture Digitalis U.S.P. * * * Tested physiologically and found to be of full strength on 7/9/31"; and "S-K-F Tincture Aconite Root U.S.P. * * * Physiologically and found to be of full strength on 1-16-31 * * * Smith, Kline & French Laboratories * * * Philadelphia, Pa."

Adulteration of the tincture digitalis was alleged in the information for the reason that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of the investigation, in that the pharmacopoeia provides that each cubic centimeter of tincture of digitalis should correspond to 0.083 milligram of ouabain,