

On March 25, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 30 cases of milk of magnesia at Chicago, Ill., alleging that the article had been shipped in interstate commerce, September 23, 1932, by the Schuylkill Chemical Co., from Philadelphia, Pa., to Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Milk of Magnesia * * * U.S.P. * * * Distributed by Honor Research Laboratories New York-Chicago."

It was alleged in the libel that the article was adulterated in 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 tests laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated upon its label.

Misbranding was alleged for the reason that the statement on the label, "Milk of Magnesia * * * U.S.P.", was false and misleading.

On May 11, 1933, 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.

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

20917. Misbranding of aspirin tablets. U. S. v. 1,296 Tins of Aspirin Tablets. Consent decree of forfeiture. Product released under bond to be relabeled. (F. & D. no. 29056. Sample no. 9392-A.)

This action involved an interstate shipment of aspirin tablets, the labeling of which bore unwarranted curative and therapeutic claims. The article would not make an antiseptic gargle as claimed on the carton label.

On October 13, 1932, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States a libel praying seizure and condemnation of 1,296 tins of aspirin tablets at Boston, Mass., alleging that the article had been shipped in interstate commerce into the State of Massachusetts on or about September 30, 1932, by the American Pharmaceutical Co., Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Aspirin Tablets A C A. * * * Aspirin Co. of America * * * Sole Distributors American Pharmaceutical Co., Inc., New York, N. Y."

It was alleged in the libel that the article was misbranded in that the statement on the carton, "For Antiseptic Gargle", was false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Carton) "For Toothache * * * Antiseptic Gargle * * * for Rheumatism, Sciatica, Lumbago, Pain"; (leaflet) "For the alleviation of pain. * * * Directions Rheumatism, Lumbago, Sore joints and muscles—* * * Acute Pain from Sciatica, Toothache."

On May 18, 1933, the American Pharmaceutical Co., Inc., Jersey City, N. J. having appeared as claimant for the property, and the court having found that the misbranding charge based on the curative and therapeutic claims on the cartons and leaflets were admitted, judgment of forfeiture was entered and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned that the cartons and leaflets be removed and destroyed.

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

20918. Adulteration and misbranding of Vi-Te-Ma stock compound and Vi-Te-Ma poultry compound. U. S. v. Ninety-seven 3-Pound Packages of Vi-Te-Ma Stock Compound, et al. Default decrees of condemnation and destruction. (F. & D. nos. 29822, 29829, 29830, 29831, 30060, 30392, 30515, 30516, 30595. Sample nos. 23892-A, 23983-A, 26953-A to 26958-A, incl., 26974-A to 26981-A, incl., 27043-A, 27044-A, 35194-A to 35197-A, incl., 35567-A, 35568-A, 38954-A, 38955-A, 38956-A.)

These cases involved products sold as stock and poultry conditioners, containing yeast and cod-liver oil, and which, in fact, contained no yeast or cod-liver oil. The articles contained no ingredients which would produce rapid growth and improve the condition of livestock and hogs, promote growth in poultry, pigeons, etc., and increase egg production, all of which were claimed for the articles in the labels. The labels of both products also bore unwarranted curative and therapeutic claims.