

It was alleged in the libel that the articles were adulterated in that their strength and purity fell below the professed standard or quality under which they were sold, namely, "Yeastolized \* \* \* contains yeast, cod liver oil."

Misbranding was alleged for the reason that the statements in the label, "Yeastolized \* \* \* contains yeast, cod liver oil", were false and misleading.

On June 5, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

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

**21197. Adulteration and misbranding of aspirin tablets. U. S. v. 28,000 Packages of Aspirin Tablets. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. no. 30352. Sample nos. 35475-A, 35477-A.)**

This case involved alleged 5-grain aspirin tablets which were found to contain  $4\frac{1}{2}$  grains of aspirin per tablet.

On April 27, 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 a libel praying seizure and condemnation of 28,000 packages of aspirin tablets at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on March 28, 1933, by the Hampton Manufacturing Co., from New York, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard and quality under which it was sold, namely, "Tablets Aspirin Five Grains."

Misbranding was alleged for the reason that the statements on the label, (box) "Tablets Aspirin Five Grains" and (wholesale container) "Aspirin Tablets \* \* \* Aspirin Five Grains", were false and misleading.

On June 8, 1933, the Mills Sales Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and 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 \$1,000, conditioned that the tablets be ground and recompressed into tablets containing 5 grains of aspirin.

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

**21198. Misbranding of Normalettes and Alfine tea. U. S. v. Health Laboratories, Inc., Frank W. Bower, Herbert McCullough, and Parley T. Wright. Pleas of nolo contendere. Defendants McCullough and Wright each fined \$25 on each of 12 counts; fines suspended as to all counts but first. Defendants Health Laboratories and Bower each fined \$50 on each of 12 counts; fines suspended as to counts 5 to 12, incl. (F. & D. no. 30131. I. S. nos. 11065 to 11074, incl., 11080.)**

This case was based on several interstate shipments of products known as Bowers Remedies Normalettes, which purported to be 10 different remedies and were labeled "Groups 1 to 10" inclusive and designated, respectively, "Catarrh", "Constipation", "Indigestion", "Tonic", "Rejuvenation", "Underweight", "Goiter", "Female Diseases", "Overweight" and "Growing Child"; also of a product called "Alfine Tea." Examination of the articles disclosed that they contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. It also was claimed in the circular that the "Normalettes Growing Child Group 10" contained vitamins, whereas the article contained no appreciable amount, if any, of vitamins.

On April 7, 1933, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Health Laboratories, Inc., a corporation, Frank W. Bower, Herbert McCullough, and Parley T. Wright, all of Long Beach, Calif., alleging shipment by said defendants, on or about December 17, 1930, January 12, January 14, January 21, and January 29, 1931, from the State of California into the State of Oregon, of quantities of Normalettes and Alfine tea that were misbranded in violation of the Food and Drugs Act.

Analyses of samples of the articles by this Department showed that the various Normalettes consisted of tablets containing ground plant material coated with calcium carbonate and sugar, the group 2 Normalettes containing in addition small proportions of phenolphthalein and bile salts and the group