

On June 12, 1933, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 9½ dozen packages of Medicinal Condition Powder at Las Vegas, N.Mex., alleging that the article had been shipped in interstate commerce, on or about August 15, 1932, by the J. H. McLean Medicine Co., from St. Louis, Mo., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of plant material, including fenugreek, and small proportions of an iron compound and phosphates, and a trace of strychnine.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Carton) "For Horses: Loss of appetite, Loss of Flesh, Hide Bound, Coughs, Colds, * * * For Distemper, Pink Eye, Kidney Troubles, Epizootic, * * * If the animal is sick and will not eat, * * * For Hogs, Sheep or Goats: To prevent disease give to each animal one heaping tablespoonful once a day. If diseased give one heaping tablespoonful twice a day. * * * If the fowls will not eat"; (circular) "For Horses: Loss of Appetite, Loss of Flesh, Hide Bound, Coughs, Colds, * * * For Distemper, Pink Eye, Kidney Troubles and Epizootic, * * * For Hogs, Sheep or Goats: To prevent disease, give to each animal one heaping tablespoonful once a day. * * * If the fowls will not eat * * * For Sore Throat, Roup and Canker: * * * In the food use the Condition Powder regularly, allowing one heaping tablespoonful to every five fowls. For Diarrhea: Put a small quantity of Condition Powder into the mouth * * * For Chicken-Cholera and Gapes." (Similar statements in Spanish appear on carton and circular.)

On July 13, 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.

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

21242. Misbranding of Alberty's Anti-Diabetic Vegetable Compound Capsules. U. S. v. 34 Boxes of Alberty's Anti-Diabetic Vegetable Compound Capsules. Default decree of destruction. (F. & D. no. 30539. Sample no. 41209-A.)

Examination of the drug product involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects implied by the statement "Anti-Diabetic."

On May 29, 1933, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 boxes of Alberty's Anti-Diabetic Vegetable Compound Capsules at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce, on or about April 5, 1933, by Alberty Food Laboratories, from Hollywood, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of powdered plant material including leaf, stem, and root tissues, and possibly a fruit or seed tissue.

It was alleged in the libel that the article was misbranded in that the statement regarding its curative or therapeutic effect, "Anti-Diabetic", was false and fraudulent.

On July 31, 1933, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

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

21243. Misbranding of mineral oil. U. S. v. 45 Bottles of Russian Mineral Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29995. Sample no. 35907-A.)

This case involved a shipment of a product represented to be high grade Russian mineral oil, which in fact consisted of a low-grade mineral oil containing a considerable amount of carbonizable substances.

On March 31, 1933, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 bottles of Russian mineral oil at Grand Rapids, Mich., alleging that the article had been shipped in