

nervous disorders, suppressed menses, high blood pressure, stomach troubles, and almost every type of ailment and disease; and effective to eliminate toxic poisons from the system.

On November 27, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$25.

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

28315. Adulteration and misbranding of White Cross Emergency First Aid Kits. U. S. v. 20 White Cross Emergency First Aid Kits. Default decree of condemnation and destruction. (F. & D. No. 38207. Sample No. 8614-C.)

These kits contained, among other items, a roll of absorbent cotton and a roll of gauze bandage which were labeled "Sterilized" but which were not sterile in that they contained viable micro-organisms. The labeling also bore false and fraudulent curative or therapeutic claims.

On or about August 21, 1936, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 White Cross Emergency First Aid Kits at West Haven, Conn., alleging that the article had been shipped in interstate commerce on or about April 9, 1936, by the American White Cross Laboratories from New Rochelle, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration was alleged in that the purity of the article fell below the professed standard or quality under which it was sold, namely, (absorbent cotton) "Sterilized * * * Absorbent Cotton" and (gauze bandages) "Sterilized" in that the cotton and gauze bandages were not sterile but contained viable micro-organisms.

Misbranding was alleged in that the statement "Sterilized," on the label of the absorbent cotton and gauze bandages, was false and misleading since they were not sterile. Misbranding was alleged further in that the statement on the container, "The White Cross of Perfection is your Protection," was a statement regarding the curative or therapeutic effects of the article and was false and fraudulent.

On November 30, 1937, the American White Cross Laboratories, the intervenor, having withdrawn its appearance, with leave of court, judgment of condemnation was entered and the product was ordered destroyed.

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

28316. Adulteration and misbranding of Lacta Kaolin Plain and Lacta Kaolin Laxative. U. S. v. Frank R. Braune and Gertrude Braune. Pleas of nolo contendere. Fines, \$110. (F. & D. No. 38034. Sample Nos. 57024-B, 57025-B.)

These products were represented to be foods but they contained talc, a non-food substance, and one contained phenolphthalein, a drug; they contained no kaolin. The labeling also bore false and fraudulent representations regarding their curative or therapeutic effects.

On March 17, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Frank R. Braune and Gertrude Braune, Chicago, Ill., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about February 13, 1936, from the State of Illinois into the State of Michigan of quantities of the hereinafter-described drug products, which were adulterated and misbranded. They were labeled in part: "Lacta Kaolin Plain [or "Laxative"] * * * Prepared only by Alpha Laboratory * * * Chicago."

Analyses showed that both articles consisted essentially of lactose (milk sugar), cacao powder, agar-agar, and talc; and that the "Laxative" also contained 2.6 grains of phenolphthalein per ounce.

The articles were alleged to be adulterated under the provisions of the law applicable to food in that a nonfood substance, namely, talc, had been mixed and packed therewith so as to reduce and injuriously affect their quality and strength and had been substituted for a food, which they purported to be.

They were alleged to be misbranded under the provisions of the law applicable to drugs in that the statements, "Lacta-Kaolin (Alpha) is not a medicine. It is a food and a cleanser only. It should be taken after rather than before meals as, being a food it may, if taken just before a meal, reduce the desire for other food," appearing in the labeling, were false and misleading in that they repre-