gredients," were false and misleading in that they represented that the article was composed of roots, herbs, and barks; whereas it contained a mineral drug, namely, Epsom salt, in amounts ranging from 21 to 23 percent.

The earlier shipments, namely, those of November 9 and December 3, 1935, into Georgia and Florida, respectively, were alleged to be adulterated in that the article fell below the professed standard and quality under which it was sold, in that it was not made from roots, herbs, and barks from all parts of the earth but consisted essentially of Epsom salt (approximately 25 grams per 100 cc.), extracts of plant drugs, including a laxative drug, and water, preserved with benzoic acid and sweetened with saccharin.

The said shipments of November 9 and December 3, 1935, were alleged to be misbranded in that there was borne on the bottle and the carton the device "Vita-Mil" which was applied to the article as its name; that by advertisement and representations concerning the article the producer and manufacturer had declared that the said device signified "Health for Millions"; that as so applied to the article it constituted a device regarding the curative and therapeutic effects of the article which was false and fraudulent in that it represented that the article was composed of or contained ingredients effective to produce and maintain health in the human body; whereas it was not composed of and did not contain ingredients or medicinal agents effective to produce and maintain a state of health in the human body. The product in the said shipments was alleged to be misbranded further in that the carton and the bottle bore the statements "Made from roots, herbs and barks from all parts of the earth containing no Harmful drugs A perfected Combination beneficial to the control of the Stomach and Sluggish Liver"; that the said statements were false and fraudulent in that they represented that the article was effective to control the condition of the human stomach and a sluggish condition of the liver, whereas it would not be effective for such purposes.

On January 7, 1938, the defendants entered pleas of guilty and were each fined $100. Costs were imposed.

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

28335. Misbranding of surgical absorbent cotton. U. S. v. 189 Packages of Surgical Absorbent Cotton. Default decree of condemnation and destruction. (F. & D. No. 39999. Sample No. 37797–C.)

This product was represented to consist of absorbent cotton suitable for surgical use; whereas it was contaminated with viable micro-organisms.

On July 22, 1937, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 189 packages of surgical absorbent cotton at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about June 17, 1937, by the Acme Cotton Products Co., Inc., from Dayville, Conn., and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statements on the carton, "Snopure Surgical Absorbent Cotton * * * This surgical cotton has been processed to a high degree of * * * refinement. It is recommended for sick-room, first-aid, nursery * * * purposes," were false and misleading since the article was not sterile but was contaminated with viable micro-organisms.

On December 9, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28336. Adulteration and misbranding of hospital absorbent cotton. U. S. v. 19 Dozen Packages of Hospital Absorbent Cotton. Default decree of condemnation and destruction. (F. & D. No. 40522. Sample No. 56864–C.)

This product was represented to be hospital absorbent cotton of the highest purity; whereas it was contaminated with viable micro-organisms.

On October 21, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 dozen packages of absorbent cotton at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 26, 1937, by the Acme Cotton Products Co., Inc., from Dayville, Conn., and charging adulteration and misbranding in violation of the Food and Drugs Act.