

court an information against the Dr. Parker Medicine Co., Chicago, Ill., and William E. Marsh and William H. Harrison, Jr., officers of the corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about May 11, 1937, from the State of Illinois into the State of Florida of a quantity of Dr. Parker's Tablets that were misbranded. The article was labeled in part: "Dr. Parker Medicine Company, Chicago, Ills."

Analysis showed that the tablets contained extracts of plant drugs including nux vomica and resinous material, and a small amount of phosphides.

The article was alleged to be misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, on the boxes and in a circular shipped with it, falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for sluggish kidneys, torpid liver, nervous debility, low vitality, insomnia, impotency, headaches, loss of appetite and stuffy feeling; effective as a help to better health; effective to eliminate waste matter, poisons, and acids from the kidneys; and effective as a treatment for weak, skinny, run-down, nervous, irritable, and tired conditions; effective as a treatment, remedy, and cure for nocturia or excessive urination at night; and effective to eliminate the poisons from the body.

On January 10, 1938, pleas of guilty were entered on behalf of the defendants and the corporation was fined \$200 and each of the individual defendants was fined \$200. Costs were imposed.

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

28351. Adulteration and misbranding of Epsom salts (magnesium sulphate). U. S. v. 506 Packages of Epsom Salts. Default decree of condemnation and destruction. (F. & D. No. 40988. Sample No. 60559-C.)

This product fell below the pharmacopoeial standard since it was deficient in magnesium sulphate and contained a material amount of sodium sulphate. The labeling contained false and fraudulent curative or therapeutic claims and a false and misleading representation that it was sterile, whereas it was not sterile.

On December 8, 1937, 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 506 packages of Epsom salts at Albuquerque, N. Mex., alleging that the article had been shipped in interstate commerce on or about August 30, 1937, by the Larche Laboratories from Denver, Colo., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled: "Epsom Salts Magnesium Sulphate."

It was alleged to be 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 prescribed therein, two samples having been found to contain 86.60 percent and 92.65 percent, respectively, of magnesium sulphate, and it contained a material portion of sodium sulphate, whereas the pharmacopoeia provides that Epsom salts shall contain not less than 99.5 percent of $MgSO_4$ (anhydrous magnesium sulphate); and its own standard of strength, quality, and purity was not stated on the container.

It was alleged to be misbranded in that the statements on the label, "Magnesium Sulphate * * * Nature Made It Pure * * * Hot concentrated, aqueous solutions of magnesium sulphate * * * are extensively used * * * cloths being saturated and applied while hot. The action * * * has the advantage of being sterile. These salts are guaranteed to be technically pure in every detail," were false and misleading in that they represented that the article was pure magnesium sulphate and was sterile; whereas it contained a material portion of sodium sulphate and when used as directed, was not sterile. It was alleged to be misbranded further in that the statement on the label, "used in the treatment of deep seated infections," was a statement regarding the curative or therapeutic effect of the article and was false and fraudulent.

On January 10, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28352. Adulteration and misbranding of Vita-Lac. U. S. v. 29 Cans of Vita-Lac. Default decree of condemnation and destruction. (F. & D. No. 40266. Sample No. 41271-C.)

This veterinary product was labeled to indicate that it consisted of malted buttermilk, whereas it was a mixture of cereal products and buttermilk. The labeling also bore false and fraudulent curative and therapeutic claims.

On September 10, 1937, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 cans of Vita-Lac at Draper, Utah, alleging that the article had been shipped in interstate commerce on or about July 8, 1937, by the Taylor Milling Corporation from Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Vita-Lac * * * Oak Park Creamery * * * Pasadena, Calif."

Analysis showed that it consisted essentially of cereal products and buttermilk.

It was alleged to be adulterated in that it was mixed in a manner whereby inferiority was concealed.

It was alleged to be misbranded in that the statement "Vita-Lac Condensed Malted Buttermilk," on the label and in the circular, was false and misleading as applied to an article that consisted essentially of cereal products and buttermilk. It was alleged to be misbranded further in that the following statements borne on the label and similar statements appearing in the circular were statements regarding the curative or therapeutic effects of the article and were false and fraudulent: "For Quick Growing, Fattening and Higher Egg Production. For Baby Chicks—Vita-Lac has no equal as a starting feed. When added to the ration insures lower mortality, and produces strong, vigorous chicks," "For Fattening—Vita-Lac builds more weight, faster, at less cost," "For Laying Hens—Vita-Lac increases egg production and percentage hatchability," "For Pigs—Vita-Lac is an excellent conditioner and builder of bone and muscle," "The calcium is readily available to build bone and tissue," and "The Natural Lactic Acid in Vita-Lac is beneficial in the prevention and cure of coccidiosis and pneumonia; also helps to rid animals of worms, and stimulates digestion."

On January 14, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28353. Misbranding of Butler's Cod Liver Oil Ointment. U. S. v. 32 Tubes of Butler's Cod Liver Oil Ointment. Default decree of condemnation and destruction. (F. & D. No. 39926. Sample No. 34445-C.)

The labeling of this product contained false and fraudulent curative and therapeutic claims.

On July 2, 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 a libel praying seizure and condemnation of 32 tubes of Butler's Cod Liver Oil Ointment at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 16, 1936, by the Anedemin Chemical Co. from Chattanooga, Tenn., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of petrolatum and fish oil.

It was alleged to be misbranded in that certain statements on the tube and in a circular shipped with it falsely and fraudulently represented that it was effective in the treatment of burns, wounds, ulcers, cuts, blood poisoning (septic process), surgical incisions and various skin affections, acne, infected wounds, fistula; and was effective to alleviate pain, to reduce fever, and to accelerate healing.

On December 11, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28354. Adulteration and misbranding of ether. U. S. v. 310 Cans of Ether (and three other seizures of the same product). Decrees of condemnation. Portion of the product released under bond for use for technical purposes; remainder ordered destroyed. (F. & D. Nos. 40423, 40461, 41049, 41224. Sample Nos. 36440-C, 51678-C, 56586-C, 56879-C, 56880-C, 56881-C, 58012-C.)

Samples taken from these various lots of ether were found to contain benzaldehyde.

On October 5 and 11, 1937, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 840 cans of ether at New York, N. Y. On December 13, 1937, the said labels were amended. On December 9 and 23, 1937, libels were filed against 32 cans of