

The article was alleged to be misbranded in that certain statements in the labeling, regarding its curative and therapeutic effects, falsely and fraudulently represented that it was effective to remove worms from horses, colts, and mules; to kill parasites; as a treatment, remedy, and cure for roundworms, pinworms, bloodworms, heaves, pneumonia, colic, and indigestion; and as a preventive of colic.

The information charged that the article was also misbranded in violation of the Insecticide Act of 1910, reported in notice of judgment No. 1679 published under that act.

On February 13, 1939, the defendant entered a plea of nolo contendere. Sentence was deferred until April 10, 1939, on which date imposition of sentence was suspended and the defendant was placed on probation for a period of 8 months.

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

30604. Adulteration and misbranding of Absorbal refills. U. S. v. 89 Packages of One Reel Refill Absorbal. Default decree of condemnation and destruction. (F. & D. No. 44837. Sample No. 48072-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination it was found to be contaminated with viable micro-organisms.

On February 17, 1939, 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 89 packages of Absorbal refills at St. Paul, Minn.; alleging that the article had been shipped on or about October 22 and 24, 1938, by Edward Girvin, D. D. S., from Philadelphia, Pa.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, i. e., "Sterilized," since it was not sterile but was contaminated with viable micro-organisms.

Misbranding was alleged in that the statements, "Re Sterilized after packaging" and "Edward Girvin, D. D. S., Blue Nurse Products," were false and misleading, since they created the impression that the article was sterile and suitable for dental use; whereas it was contaminated with viable micro-organisms.

On April 5, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30605. Adulteration and misbranding of digitalis tablets. U. S. v. Five Bottles and Two Bottles of Tablets Whole Leaf Digitalis. Default decrees of condemnation and forfeiture. (F. & D. No. 45907. Sample No. 31772-D.)

This product had a potency of not more than 60 percent of that declared on the label.

On March 14, 1939, the United States attorney for the Western 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 seven bottles of digitalis tablets at Buffalo, N. Y.; alleging that the article had been shipped in interstate commerce on or about November 8, 1938, from Richmond, Va., by Wilber & Miskimon, Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration was alleged in that the strength of the article fell below the professed standard or quality under which it was sold, namely, "Each tablet represents * * * 1½ grains (approx. 0.1 gram) of Digitalis Leaf," since each tablet was equivalent to not more than 0.9 grain of digitalis.

Misbranding was alleged in that the statement, "Each tablet represents * * * 1½ grains (approx. 0.1 gram) of Digitalis Leaf," was false and misleading, since it represented that each tablet contained 1½ grains of digitalis; whereas each tablet contained less than 1½ grains of digitalis.

On April 10, 1939, no claimant having appeared, judgment of condemnation and forfeiture was entered.

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

30606. Adulteration and misbranding of Concentra Food. U. S. v. 800 Cartons of Concentra Food. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 43158. Sample No. 18957-D.)

This product was sold as a food but contained powdered rhubarb root, a drug. Moreover, its labeling bore false and fraudulent curative and therapeutic claims.

On July 30, 1938, the United States attorney for the Southern District of Cali-