

and it was ordered by the court that the product be redelivered to said claimant upon payment of all the costs of the proceedings, and the execution of bond in the sum of \$440, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

9050. Misbranding of Vitalitas. U. S. * * * v. 1 Case, 36 Cases, and 60 Cases of Vitalitas. Product ordered released on bond. (F. & D. Nos. 11260, 11261, 11262, 11263, 11264. I. S. Nos. 13131-r, 13132-r, 13133-r. S. Nos. E-1712, E-1717, E-1718.)

On September 20, 1919, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels of information praying the seizure and condemnation of 1 case, 36 cases, and 60 cases of Vitalitas, at Boston, Mass., consigned between the dates July 14, 1919, and August 21, 1919, by the Vital Remedies Co., Houston, Tex., alleging that the article had been transported from the State of Texas into the Commonwealth of Massachusetts, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of an aqueous solution of sulphates of iron and aluminum, with traces of other mineral salts.

It was alleged in substance in the libels of information that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing upon the bottle label, "Its functions are to enrich the blood, strengthen the tone of the system, and thus aid in the restoration of healthy functions. A Family Remedy useful in the treatment of Rheumatism, Chronic Indigestion, Impoverished Blood, Atonic Dyspepsia, Chronic Diarrhœa, Dropsy, Malarial Anæmia, General Debility following recovery from acute diseases, Leucorrhœa, and Excessive Menstruation," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 15 and October 4, 1920, respectively, the Vital Remedies Co., Inc., claimant, having filed satisfactory bonds, in conformity with section 10 of the act, it was ordered by the court that the product be delivered to said claimant upon the payment of the costs of the proceedings, and that the libel of information be dismissed in accordance with the agreement of the parties filed March 25 and October 4, 1920, respectively.

E. D. BALL, *Acting Secretary of Agriculture.*