

16075. Adulteration and misbranding of tablets *Bacillus bulgaricus*. U. S. v. 33 Packages of Tablets *Bacillus Bulgaricus*. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23025. I. S. No. 0861. S. No. 1118.)

On or about August 27, 1928, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 33 packages of tablets *Bacillus bulgaricus*, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by Fairchild Bros. & Foster, New York, N. Y., July 26, 1928, and transported from the State of New York into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that its strength or purity fell below the professed standard or quality under which it was sold.

Misbranding was alleged for the reason that the following statements on the carton and in the circular were false and misleading: (Carton) "Tablet of the *Bacillus Bulgaricus*. Contains the true *Bacillus Bulgaricus* * * * preserved in a stable, potent form;" (circular) "Tablet of the *Bacillus Bulgaricus*. Contains the true *Bacillus Bulgaricus* * * * conserved in a stable form. It is rigidly standardized, potency guaranteed for the time stamped upon the label."

On October 15, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16076. Adulteration of unicorn root. U. S. v. 223 Pounds of Unicorn Root. Default order of confiscation and destruction entered. (F. & D. No. 22802. I. S. No. 14350-x. S. No. 838.)

On June 4, 1928, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 223 pounds of unicorn root, remaining in the original unbroken packages at Indianapolis, Ind., alleging that the article had been shipped by Sig Wallace, from Statesville, N. C., and transported from the State of North Carolina into the State of Indiana, and charging adulteration in violation of the food and drugs act.

Analysis of a sample taken from this consignment showed that it yielded approximately 30 per cent acid-insoluble ash. The National Formulary provides that aletris (unicorn root) shall yield not more than 10 per cent of acid-insoluble ash.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the test laid down therein.

On October 13, 1928, no claimant having appeared for the property, judgment of confiscation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16077. Adulteration and misbranding of Bacid tablets. U. S. v. 5 Dozen Packages of Bacid Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22938. I. S. No. 0101. S. No. 1022.)

On August 2, 1928, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 dozen packages of Bacid tablets, remaining in the original unbroken packages at San Francisco, Calif., consigned by the Arlington Chemical Co., Yonkers, N. Y., alleging that the article had been shipped from Yonkers, N. Y., on or about July 9, 1928, and transported from the State of New York into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Carton and bottle) "50 Bacid Tablets (*Bacillus Acidophilus*) * * * Expires Sept. 29, 1928;" (circular) "Bacid Tablets * * * Contain a highly antiputrefactive and specially selected strain of the *Bacillus acidophilus*, native to the human intestine, in health, and are therefore peculiarly suitable for intestinal