

from Mifflinburg, Pa., on or about October 25, 1929, and had been transported from the State of Pennsylvania into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of sodium chloride (92.5 per cent), charcoal (5.2 per cent), ferrous sulphate (1.65 per cent), magnesium sulphate (0.74 per cent), protein (0.13 per cent), and fat (0.02 per cent).

It was alleged in the libel that the article was misbranded in that the statements, "This is composed of charcoal, (Car-Bo-Ligin), salt, Epsom salts (sulphate of magnesia) copperas, (sulphate of iron)," on the label of the bag was false and misleading in view of the insignificant portion of ingredients other than charcoal and salt; and for the further reason that the statements of protein 0.56 and fat 0.19 on the said bag were false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article, appearing in the circular contained in the bag, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: "Purifies the blood and tones up the system. It expels worms from Hogs, Horses, etc. Prevents abortion, and there will be no bloating where it is fed. * * * Hog Cholera; Nothing will cure cholera, but where 'Doz-It' is used there will be no Cholera."

On January 26, 1931, Henry C. Kenyon, Ridgewood, N. Y., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be relabeled under the supervision of this department and that it should not be sold or otherwise disposed of contrary to the Federal food and drugs act, or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18971. Misbranding of Takara hygienic powder. U. S. v. 15 Dozen Cans, et al., of Takara Hygienic Powder. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26911. I. S. No. 21910. S. No. 5075.)

Examination of a drug product, known as Takara hygienic powder, from the shipment herein described having shown that a booklet accompanying the article contained statements representing that the said article possessed curative and therapeutic properties which, in fact, it did not possess, also that it was represented to be a germicide, whereas it was not germicidal when used in the dilutions recommended, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of California.

On August 22, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 15 dozen 75-cent and 12 dozen \$1.50 cans of the said Takara hygienic powder, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Takara Laboratories, from Portland, Oreg., on or about July 6, 1931, and had been transported from the State of Oregon into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the powder consisted essentially of boric acid, ammonium alum, phenol, and a small proportion of menthol. Bacteriological examination showed that the article was not germicidal in the dilutions recommended upon the label.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the booklet accompanying the article, "A * * * germicidal douche * * * that is why Takara has proved so popular," were false and misleading. Misbranding was alleged for the further reason that the following statements appearing in the booklet, regarding the curative or therapeutic effects of the said article, were false and fraudulent: "The intelligence of the modern woman is saving her untold hours of suffering. An understanding of personal hygiene has taken the place of false modesty. Peace of mind has supplanted uncertainty and Takara with its many uses, its Safeness, its certainty has done much to bring this about. Health, Happiness, Takara is daily bringing health and happiness to thousands of women * * * Women whose health has been impaired find refreshment in the use of Takara. They find it a hygienic powder that does more than

alleviate feminine disorders. It corrects them gently and safely. Daily Use of Takara * * * possible for the busiest woman to provide herself with this safe hygienic protection; a daily protection that means as much to her health as care of the teeth * * * To miss even one Takara treatment is to lose part of the gain made * * * Takara is a remedy so precautionary, safe and healing * * * Common Sore Throat, Gargle throat every two or three hours * * * Skin irritations * * * To allay itching and inflammation bathe affected parts."

On September 16, 1931, Raymond E. Taylor, owner of Takara Laboratories, Portland, Oreg., having appeared as claimant for the product and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that the pamphlet containing the objectionable statements be removed from the packages, and that the article should not be sold or otherwise disposed of contrary to the Federal food and drugs act, or the laws of any State, Territory, District, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18972. Adulteration and misbranding of Co-Liv-Ol. U. S. v. Silmo Chemical Co. (Inc.). Plea of guilty. Fine, \$25. (F. & D. No. 26667. I. S. No. 9770.)

Examination of a drug product, known as Co-Liv-Ol, from the shipment herein described showed that the article was represented to be an emulsion of cod-liver oil and to contain vitamin D, whereas it contained a negligible amount of cod-liver oil and was practically valueless as a source of vitamin D. The article was contained in cans, the labels of which bore statements representing that it possessed curative and therapeutic properties which, in fact, it did not possess.

At the September, 1931 term of the United States District Court for the District of New Jersey, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against the Silmo Chemical Co. (Inc.), a corporation, Vineland, N. J., alleging shipment by said company, in violation of the food and drugs act as amended, on or about January 14, 1931, from the State of New Jersey into the State of Maryland, of a quantity of the said Co-Liv-Ol, which was adulterated and misbranded.

Analysis of a sample of the article by this department showed that it consisted essentially of a fish oil, calcium and magnesium carbonates, small proportions of iron and aluminum compounds, and water. Biological examination showed that the article was virtually devoid of vitamin D, one of the therapeutically important constituents of cod-liver oil.

It was alleged in the information that the article was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to be an emulsion of cod-liver oil and to contain vitamin D, whereas it was not emulsion of cod-liver oil and contained no vitamin D.

Misbranding was alleged for the reason that the statements, to wit, "Dried Emulsion of Cod Liver Oil, * * * It retains the valuable vitamine D, * * * reinforced and standardized with Irradiated Ergosterol, the concentrated Vitamine D, * * * Cod liver oil with the aid of an emulsifying agent has been dried as Co-Liv-Ol * * * and the tendency of the liquid to lose its vitamins quickly * * * has been controlled," borne on the label attached to the cans, were false and misleading in that the said statements represented that the article was emulsion of cod-liver oil and contained vitamin D, whereas it was not emulsion of cod-liver oil and contained no vitamin D. Misbranding was alleged for the further reason that certain statements regarding the therapeutic and curative effects of the article, appearing on the labels of the cans containing the said article, falsely and fraudulently represented that the article was composed of or contained ingredients or medicinal agents effective, among other things, as a preventive of leg weakness and effective to build better bone; whereas it was not effective as a preventive of leg weakness, or effective to build better bone.

On October 16, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*