

21177. Misbranding of Dennos Food. U. S. v. 70 Small Cans, et al., of Dennos Food. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30698. Sample nos. 23378-A, 23379-A.)

This case involved an interstate shipment of a product known as Dennos Food, the labeling of which bore unwarranted curative and therapeutic claims. The labeling of the article also bore false and misleading claims that it would make cow's milk digestible and supply the body with vitamins.

On July 7, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 104 small cans and 22 large cans of Dennos Food at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about June 17, 1933, by the Dennos Food Co., from Portland, Oreg., 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 wheat flour, bran, and sugar.

It was alleged in the libel that the article was misbranded in that the statements in the labeling, (can) "Dennos makes cow's milk digestible" and (circular) "Dennos * * * a food which supplies the body with vitamins", were false and misleading, since the article did not possess these functions. Misbranding was alleged for the further reason that the following are statements regarding the curative or therapeutic effects of the article and were false and fraudulent: (Can label, large and small size) "Plain milk often causes distress and indigestion, * * * Dennos * * * gives the weak stomach a feeling of great comfort. * * * which build up health for adults, and strong bones, firm flesh, and good teeth for babies"; (can label, large and small size) "Plain milk often causes distress and indigestion * * * Dennos * * * gives the weak stomach a feeling of great comfort. * * * which build up health for adults, and strong bones, firm flesh, and good teeth for babies"; (large circular, both sizes) "Statistics show that, though the death rate among infants and children has been greatly reduced, the rate among the middle aged has shown little if any improvement. When the same attention is given to adult feeding, as has been given infant feeding, progress in the diseases of middle life will be shown. * * * aids the digestion of other foods. Dennos is beneficial for elderly people and invalids with delicate stomachs * * * Dennos for indigestion, heartburn, flatulence, etc. * * * Dennos for insomnia * * * Dennos and milk produces sound, refreshing sleep. Dennos for ulcers * * * as improvement begins. Dennos for invalids and delicate children * * * Dennos is beneficial in cases of typhoid, tuberculosis, stomach-ulcer, gastro-enteritis, indigestion, post-operative cases, flu convalescence, insomnia * * * Dennos is an important food in cases of cancer because malignant growths develop much more slowly in well-nourished and active individuals than in the anemic and under-nourished. Dennos is an excellent diet for any one in a run-down condition. You can build up weight, strength and vitality, by taking a glass of milk prepared with Dennos, regularly, between meals. * * * Dennos is so easily digested that a glassful may be taken every hour"; (small circular, small size only) "For Adults. There are thousands of exceedingly thin men, women and children who need more weight and need it badly. Most of these people need more energy and vigor. If you are underweight and lack energy, you are not getting the proper nourishment from your food. Dennos aids digestion * * * body-building * * * builds up the weight, strength and vitality."

On July 25, 1933, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*

21178. Adulteration and misbranding of aspirin tablets. U. S. v. 26 Cards, 104,612 Envelops, and 5 Dozen Bottles of Aspirin Tablets. Default decrees of destruction entered. (F. & D. nos. 30024, 30361, 30405. Sample nos. 28776-A, 34469-A, 35760-A.)

These cases involved shipments of alleged 5-grain aspirin tablets. Examination showed that the article was below the professed standard, samples taken from each of the three lots having been found to contain 1.75, 2.0, and 2.1 grains per tablet, respectively, of aspirin. In one of the shipments the labeling of the article also bore unwarranted curative and therapeutic claims.

On March 31, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 26 cards, each holding 48 small packages of aspirin tablets at Kansas City, Mo. On April 27, 1933, the United States attorney for the Northern District of Illinois filed a libel against 104,612 envelopes of aspirin tablets at Chicago, Ill., and on May 3, 1933, the United States attorney for the District of Massachusetts filed a libel against 5 dozen bottles of aspirin tablets at Boston, Mass. It was alleged in the libels that the article had been shipped in interstate commerce, between the dates of February 20 and April 8, 1933; that the shipments had been made by the Mills Sales Co., that the lots seized at Chicago and Boston had been shipped from New York, N.Y., that the lot seized at Kansas City, Mo., had been shipped from Chicago, Ill.; and that the article was adulterated and misbranded in violation of the Food and Drugs Act as amended.

The libels alleged that the article was adulterated in that its strength fell below the professed standard of quality under which it was sold, namely: (Label of lot at Kansas City, Mo., retail package) "Certified Pure Aspirin 5 Grain Tablets"; (display card) "5 Grain Tablets Certified Aspirin Pure"; (label of lot at Chicago) "Certified Pure Aspirin Five Grain Tablets"; (label of lot at Boston, bottle) "Tablets Aspirin Acetyl Salicylic Acid Five Grains." Misbranding was alleged for the reason that the following statements in the labeling were false and misleading: (First lot) "Certified Pure Aspirin 5 Grain Tablets" and "5 Grain Tablets Certified Aspirin Pure, * * * Hospital Standard"; (second lot) "Certified Pure Aspirin Five Grain Tablets"; (third lot) "Tablets Aspirin Acetyl Salicylic Acid Five Grains." Misbranding was alleged with respect to the portion of the article seized at Kansas City Mo., for the further reason that the statements on the display card, "Recommended for * * * Neuritis * * * and other Aches & Pains, * * * To prevent gastric disturbances", were statements regarding the therapeutic or curative effects of the article, and were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

No claim or appearance was entered in the cases. On June 12, 1933, judgment was entered in the case instituted in the District of Massachusetts, ordering that the product be forfeited and destroyed. Similar decrees were entered in the remaining cases: On June 16, at Chicago, Ill., and on July 26, 1933, at Kansas City, Mo.

M. L. WILSON, *Acting Secretary of Agriculture.*

21179. Adulteration and misbranding of Acme Medicated Stock Salt. U. S. v. Twenty-Three 25-Pound Bags, et al., of Acme Medicated Stock Salt. Default decree of condemnation, forfeiture, and destruction. F. & D. no. 29910. Sample no. 34878-A.)

This case involved a medicated salt which was represented to contain yeast. No yeast was found in the samples of the product examined by this Department.

On March 9, 1933, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of twenty-three 25-pound bags, sixteen 50-pound bags, and twenty-one 100-pound bags of Acme Medicated Stock Salt at Swoyersville, Pa., alleging that the article had been shipped in interstate commerce, on or about December 24, 1932, by the Acme Stock Salt Corporation, from Fostoria, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by this Department showed that it consisted of sodium chloride (79.7 percent), calcium carbonate, magnesium sulphate, iron sulphate, and small proportions of sodium bicarbonate, sulphur, fenugreek, quassia, nux vomica, potassium iodide, and charcoal. No yeast was found.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard and quality under which it was sold, namely, (sack) "Yeastolized * * * Yeast."

Misbranding was alleged for the reason that the statements on the sack, "Yeastolized * * * Yeast", were false and misleading.

On June 28, 1933, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*