

of controlling the amount of fat stored in the body; effective as a treatment for acidosis and kidney trouble; effective to carry off the fatty substance and to prevent its further accumulation; effective to entirely carry broken down fatty tissue out of the system; effective as a treatment, remedy, and cure for constipation; effective as a bowel builder and strengthener and to encourage natural elimination; effective to strengthen and build up a run-down system or unhealthy condition; effective to reduce weight and to insure a slim and youthful figure and to prevent the increase of fat on pregnant women and nursing mothers and to build up the child; and effective as a treatment, remedy, and cure for dizzy spells and gas on the stomach.

Misbranding of the "Group 10 Growing Child" was alleged for the reason that certain statements in the labeling falsely and fraudulently represented that the article was effective as a treatment for the growing child; effective as normalizing tissue salts; effective to promote health; effective as a treatment for the undernourished and anemic boy and girl who are below normal in growth mentally and physically, or who are growing too rapidly and lack the building materials for bone and body construction; effective as a treatment, remedy, and cure for general lassitude, 'growing pains', loss of appetite, malformed and chalky teeth, restlessness, and lack of application in all mental work in the growing child; effective as a strengthening food for bone, brain, and muscle in the growing child; effective as a treatment for ailments of the boy and girl during the puberty age, as a preventive of soft and brittle bones, malformed, chalky teeth, loss of appetite, bow legs, knock knees, and rickets in the growing child, and to help to strengthen the child who is anemic, under-nourished, and below normal mentally and physically; effective when used alone or in connection with group 1 Normalettes to tone up the entire system; effective when used alone or in connection with group 2 Normalettes to give easy bowel movement and quickly and permanently restore normal action; effective as a treatment for overweight, underweight, stomach, bowel, bladder and kidney troubles, nervousness, heart affections, ailments of the head, throat and lungs, body pains, neck glands, eye trouble, and impaired hearing. Misbranding was alleged for the further reason that the statement "Normalettes Group 10 contains \* \* \* vitamins", in the circular shipped with the article was false and misleading, since the article contained no appreciable amount, if any, of vitamins.

Misbranding of the Alfine tea was alleged for the reason that certain statements regarding the curative and therapeutic effects of the article, appearing on the can label, falsely and fraudulently represented that the article was effective to normalize the body and to alkinize (alkalize) the system, and effective to aid digestion and to promote health.

On April 24, 1933, pleas of nolo contendere were entered on behalf of all defendants. Defendants Herbert McCullough and Parley T. Wright were each sentenced to pay a fine of \$25 on each of the 12 counts with sentence suspended on all counts but the first. On May 8, 1933, the court sentenced the Health Laboratories, Inc., and Frank M. Bower to pay a fine of \$50 on each count of the information with sentence suspended for a period of 2 years on counts 5 to 12, inclusive.

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

**21199. Adulteration and misbranding of Burbank Tea (dried alfalfa). U. S. v. 51 Packages of Dried Alfalfa. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30124. Sample no. 36594-A.)**

This case involved a shipment of dried alfalfa sold under the name of Burbank American Vegetable Tea. The labeling of the article bore unwarranted curative and therapeutic claims; it was also labeled to convey the erroneous impression that it was tea of the Orange Pekoe type; the label failed to bear a plain and conspicuous statement of the quantity of the contents, since the statement appeared inconspicuously on the rear panel of the carton.

On April 26, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 51 packages of dried alfalfa at Chicago, Ill., alleging that the article had been shipped in interstate commerce, March 28, 1932, by the California Vegetized Products Co., from Burbank, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton)

"Burbank American Vegetable Tea Orange Pekoe Type Green \* \* \* 5 oz when packed Vegetized Foods, Inc. Burbank, California."

Analysis of a sample of the article by this Department showed that it consisted of dried alfalfa.

It was alleged in the libel that the article was adulterated in that dried alfalfa had been substituted for tea of the Orange Pekoe type which the article, by reason of the labeling, purported to be.

It was further alleged in the libel that the article was misbranded under the provisions of the act relating to food, in that the statement on the label, "Green Tea Orange Pekoe Type", was false and misleading and deceived and misled the purchaser; for the further reason that the article was offered for sale under the distinctive name of another article; and for the further reason that it was in package form and did not bear a plain and conspicuous statement of the quantity of the contents. Misbranding was alleged under the provisions of the act relating to drugs, in that the following statements regarding its curative or therapeutic effects were false and fraudulent: (Circular) "\* \* \* so necessary for maintenance of normal blood plasma . . . restoring alkaline reserve . . . and assuring system alkalization. \* \* \* Containing proteins and immediately available materials for the construction of haemoglobin and red blood corpuscles . . . recommended as a tonic in nutritional and secondary anaemias, general blood impoverishment, dietary deficiencies, malnutrition and gastro-intestinal disturbances, and debilitated states. The frequent drinking of Burbank Vegetable Tea in conditions associated with loss of appetite, nervousness, and sensitiveness of the gastro-intestinal tract should increase the appetite and stimulate digestion and assimilation . . . resulting in improved intellectual and physical vigor and body weight. \* \* \* restores a healthy tone to the nervous system, stimulates the function of nutrition . . . assists in regulating constructive metabolism . . . increased energy production and muscle tone. Serving as a universal tonic in convalescence from illness or surgical operations . . . for overworked business men and weak, nervous women. Every child's diet should be supplemented with Burbank Vegetable Tea as children often refuse to eat a sufficient quantity or variety of vegetables to supply the necessary mineral elements. The result is often a languid, irritable child who is pale and underweight . . . who lacks resistance to disease . . . who suffers from colds and constipation . . . poor eyesight . . . soft, chalky teeth that decay easily . . . and who is generally run down and anaemic. For \* \* \* Children \* \* \* invaluable for grown-ups and children. \* \* \* One child in three is undernourished, not necessarily from lack of food, but from lack of the proper elements of food. \* \* \* They will like the rich, nourishing flavor, and at every serving they will get a portion of their daily requirement of health-building and protecting mineral salts. For Expectant and Nursing Mothers Child bearing and child nursing mean an extra demand upon the strength and energy of the mother . . . and a severe loss of calcium during the period of gestation, which must be replaced to preserve the mother's teeth and assure the future integrity of the teeth of the child. To assist in supplying this important element, drink Burbank Tea copiously and frequently. In Old Age \* \* \* assist digestive function, which is often weak or impaired. \* \* \* As a refreshing restorative in mental and physical fatigue and proper functioning of the digestive tract with improved elimination through the kidneys. \* \* \* For its invigorating, strengthening, tonic properties and to assist in supplying the loss of Iron, Calcium, Phosphorous, and other necessary elements."

On June 15, 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.*

**21200. Adulteration and misbranding of aspirin tablets. U. S. v. 3¾ Dozen Bottles of Aspirin Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30404. Sample no. 38060-A.)**

This case involved an interstate shipment of alleged 5-grain aspirin tablets which, upon analysis, were found to contain less than one half the amount of aspirin (acetylsalicylic acid) claimed.

On May 3, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3¾ dozen bottles of