

"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

aspirin tablets at Allentown, Pa., alleging that the article had been shipped in interstate commerce on or about February 23, 1933, by the Mills Sales Co., New York, N.Y., 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 fell below the professed standard under which it was sold, namely, (bottle label) "Tablets Aspirin Acetyl Salicylic Acid Five Grains."

Misbranding was alleged for the reason that the statement on the label, "Tablets Aspirin Acetyl Salicylic Acid Five Grains", was false and misleading.

On May 31, 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.*

21201. Adulteration and misbranding of Vitamized Stock Compound and Vitamized Poultry Compound, Vi-Te-Ma Stock Compound, Vi-Te-Ma Poultry Compound, and Yeastolized Medicated Stock Salt. U. S. 25 6-Pound Packages, 335 Three-Pound Packages of Vitamized Stock Compound, et. al. Default decrees of destruction entered. (F. & D. nos. 29023 to 29035, incl., 29246, 30374. Sample nos. 29691, 29692, 29693, 29694, 29824, 29827, 29832, 29976, 30374. Sample nos. 13423-A to 13435-A, incl., 15366-A to 15375-A, incl., 15377-A to 15386-A, incl., 15390-A, 15391-A, 15394-A, 15395-A, 15398-A, 15399-A, 15400-A, 26726-A to 26747-A, incl., 26967-A, to 26970-A, incl., 26972-A, 26973-A, 27046-A, 27047-A, 35108-A, 35109-A.)

These cases involved a large number of shipments of Vitamized Stock Compound and Vitamized Poultry Compound. There were also included in the cases a few lots of Vi-Te-Ma Stock Compound and Vi-Te-Ma Poultry Compound and one lot of Yeastolized Medicated Stock Salt. The articles were represented to be stock and poultry conditioners containing yeast and cod-liver oil. Examination failed to detect any appreciable amount of yeast or cod-liver oil in any of the samples; in many samples neither yeast nor cod-liver oil was found. Certain circulars, leaflets, coupons, etc., one or more of which were shipped with most of the lots, as well as statements on the carton labels of portions of the articles, bore claims that they would aid production, increase profits, etc.; whereas they were valueless for such purposes. The labels in the greater number of the shipments of the Vitamized Stock and Poultry Compounds and the Vi-Te-Ma Stock and Poultry Compounds also bore unwarranted curative and therapeutic claims.

On October 14, 1932, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of ninety-six 3-pound packages of Vitamized Stock Compound and seventy-two 3-pound packages of Vitamized Poultry Compound, in part at Russell Springs, Ky., and in part at Horse Shoe Bottom, Ky., alleging that the articles had been shipped in interstate commerce by the Vitamized Products Co., from Fostoria, Ohio. On October 13, 1932, the United States attorney for the Eastern District of Kentucky filed libels against twenty-five 6-pound and three hundred and thirty-five 3-pound packages of Vitamized Stock Compound and one hundred and sixty-seven 3-pound packages of Vitamized Poultry Compound, in various lots at Paris, Irvine, Old Landing, Nathanton, and Barbourville, Ky., which had been shipped in interstate commerce by the Vitamized Products Co., from Fostoria, Ohio. On May 3, 1933, a libel was filed in the Eastern District of Kentucky against forty-seven 3-pound packages, two 6-pound packages, and one hundred 4-ounce packages of Vitamized Stock Compound, and forty-seven 3-pound packages of Vitamized Poultry Compound at Cynthiana, Ky., which had also been shipped from Fostoria, Ohio. The libels alleged that the articles had been shipped from the State of Ohio into the State of Kentucky and that they were adulterated and misbranded in violation of the Food and Drugs Act as amended. The above shipments into Kentucky were made between July 23 and September 12, 1932.

Between November 21, 1932 and May 22, 1933, there were libeled in the Northern District of Ohio, at Tiffin and Fostoria; in the Southern District of Ohio, at Cincinnati; in the Southern District of Indiana at Indianapolis; and in the Eastern District of Virginia, at Richmond; a total of 1,625 packages of Vitamized Stock Compound, 813 packages of Vitamized Poultry Compound, 213 packages of Vi-Te-Ma Stock Compound, 142 packages of Vi-Te-Ma Poultry Compound, and 24 bags of Yeastolized Medicated Stock Salt. These goods, which consisted of returned shipments in possession of the railroads, and which