

**21202. Adulteration and misbranding of Vi-Te-Ma Stock Compound, Vi-Te-Ma Poultry Compound, Vitamized Stock Compound, and Vitamized Poultry Compound. U. S. v. Forty-eight 3-pound Packages of Vi-Te-Ma Stock Compound, et al. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. nos. 29242, 29550, 29551, 29828, 30370, 30375, 30452. Sample nos. 15387-A, 15388-A, 15389-A, 18032-A, 18217-A, 18218-A, 26959-A, 26960-A, 26963-A, 26964-A, 33641-A, 33642-A, 35376-A, 35377-A, 35378-A.)

These cases involved various drug preparations sold as stock and poultry conditioners, containing yeast and cod-liver oil. No yeast or cod-liver oil were detected in the samples examined. Examination further disclosed that they would not promote growth, fattening, and productivity of livestock and poultry as claimed, also that they contained no ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On November 21, 1932, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 98 packages of Vi-Te-Ma Stock Compound and 48 packages of Vi-Te-Ma Poultry Compound at Tiffin, Ohio. Between November 30, 1932, and May 17, 1933, libels were filed in the District of Montana, the Northern District of Ohio, the Southern District of Ohio, the Northern District of Florida, the Western District of Louisiana, and the Northern District of Alabama against various lots of Vi-Te-Ma stock and poultry compounds, at Hobson, Mont.; Tiffin, Ohio; Cincinnati, Ohio; Pensacola, Fla.; Breaux Bridge, La.; and Yolande, Ala.; respectively.

The libels filed in the Northern District of Florida and in the Western District of Louisiana, alleged shipment of 225 packages of Vi-Te-Ma Stock Compound and 22 packages of Vi-Te-Ma Poultry Compound by the Vi-Te-Ma Products Co. from Fostoria, Ohio, into the States of Florida and Louisiana, on or about December 1 and December 17, 1932. The libels filed in the Districts of Montana and Northern Alabama charged shipments of 507 pounds and 144 packages of Vi-Te-Ma Stock Compound and 60 pounds and 24 packages of Vi-Te-Ma Poultry Compound from Fostoria, Ohio, on or about August 17, 1932, and December 2, 1932. The remaining libels covered 216 packages of the stock compounds and 117 packages of the poultry compounds which were returned shipments in possession of the railroad at Tiffin and Cincinnati, Ohio.

Analyses of samples of the articles by this Department showed that the stock compound consisted essentially of calcium carbonate, magnesium sulphate, and ferrous sulphate, small proportions of sulphur, quassia, and fenugreek seed, and traces of nux vomica and potassium iodide; and that the poultry compound consisted essentially of calcium carbonate, magnesium sulphate, and iron oxide, small proportions of sulphur, quassia and capsicum, and a trace of potassium iodide. Yeast and cod-liver oil were not present in either article.

The libels filed in all districts, with the exception of the District of Montana, charged adulteration in that the strength of the article fell below the professed standard or quality under which they were sold, namely: (Vi-Te-Ma and Vitamized stock compounds) "Ingredients Dry Yeast, Cod Liver Oil"; (Vi-Te-Ma Poultry Compound) "Containing the following ingredients, Yeast, Cod liver oil."; (Vitamized Poultry Compound) "This Compound contains the following ingredients, Yeast, Cod Liver Oil."

Misbranding was alleged in all libels for the reason that the statement on the labels representing that the articles contained yeast and cod liver oil were false and misleading. Misbranding was alleged for the further reason that the following or similar statements appearing on the labelings of the greater number of the lots, were also false and misleading: (Vi-Te-Ma Stock Compound, label) "Highly recommended for all live stock: Horses, Cattle, Sheep and Hogs. For growing and fattening live stock as well as assists in increasing production. Ingredients:—Dry Yeast, Cod liver oil \* \* \* Vi-Te-Ma"; (Vi-Te-Ma Poultry Compound, label) "Containing the following ingredients: Yeast, Cod liver oil, \* \* \* For Production of Eggs. \* \* \* Highly recommended for poultry of all ages, Chickens, Turkeys, Geese and Ducks, Pigeons, Rabbits, etc., for growth and production \* \* \* Vi-Te-Ma"; (Vitamized Stock Compound) "Ingredients Dry Yeast, Cod Liver Oil, \* \* \* Contains the Essential Vitamines in combination with the Necessary Minerals \* \* \* Vitamized"; (Vitamized Poultry Compound, label) "This Compound contains the following Ingredients: Yeast, Cod Liver Oil, \* \* \* This Compound contains the essential Vitamins in combination with the necessary Minerals. \* \* \* For Production of Eggs— \* \* \* Chick Food \* \* \* Vitamized for Turkeys, Ducks and Geese— \* \* \* this will cause a rapid growth and place the birds on the market in a much shorter time."

Misbranding was alleged for the further reason that the following statements appearing on the labeling of the greater number of the lots were false and fraudulent: (Vi-Te-Ma Stock Compound, coupon) "I hereby agree to use Vi-Te-Ma Compound according to directions on the package to justify the free use of a veterinary surgeon for diseases contracted after one month of consecutive feeding"; (Vi-Te-Ma and Vitamized Poultry Compound) "For sick fowls, separate the sick fowls from those not already affected and give one tablespoonful daily for every 10 fowls"; (Vitamized Stock Compound, label) A cut showing a hog full of worms bearing the legend "Worms Kill Hogs"; (coupon) "I hereby agree to use Vitamized Compound according to directions printed upon package to justify the free use of a veterinary surgeon for diseases contracted after one month of consecutive feeding."

No claimant appeared in the cases. On January 10, 1933, judgment of condemnation and forfeiture was entered in the case instituted in the District of Montana, and it was ordered by the court that the products be destroyed. Decrees of condemnation and destruction were entered in the remaining cases between April 26 and August 5, 1933.

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

**21203. Adulteration and misbranding of Mayo's dentifrice. U. S. v. Mayo's Laboratories, Inc. Plea of guilty. Fine, \$3 and costs. (F. & D. no. 27561. I. S. no. 36956.)**

This case was based on an interstate shipment of Mayo's dentifrice, the labeling of which bore antiseptic and therapeutic claims. Examination disclosed that the article was not an antiseptic when used as directed, and that it contained no ingredients or combination of ingredients capable of producing certain therapeutic effects claimed.

On May 23, 1932, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Mayo's Laboratories, Inc., Oklahoma City, Okla., alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about June 1, 1931, from the State of Oklahoma into the State of Texas, of a quantity of Mayo's dentifrice which was adulterated and misbranded. The article was labeled in part: (Bottle) "Mayo's Dentrifrice"; (carton) "Mayo's Pyorrhoea Remedy An antiseptic, \* \* \* Mayo's Laboratories, Inc., Oklahoma City, Okla."; (circular) "Acts as an antiseptic."

Analysis of a sample of the article by this Department showed that it consisted essentially of sodium sulphocarbolate, soap, glycerin, and water, colored with a red dye. Bacteriological examination showed that the article was not antiseptic.

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 antiseptic, whereas it was not an antiseptic.

Misbranding was alleged for the reason that the statement, "An Antiseptic" on the carton, and the statement, "Acts as an antiseptic" in the circular, were false and misleading, since the article was not an antiseptic, and would not act as an antiseptic. Misbranding was alleged for the further reason that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, appearing on the cartons and in the circular, falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for pyorrhoea, and as a treatment for trench mouth and gum troubles; effective to tone, strengthen, and harden the gums; effective to combat pyorrhoea and other disturbances of the gums from any cause; effective to make soft bleeding gums firm and healthy; effective as a treatment for pyorrhoea and other gum infections; effective to heal soft, bleeding gums; effective to relieve pyorrhoea, Riggs disease, sore or bleeding gums, sore throat, and all disturbances of the mouth, and as a preventive of pyorrhoea; and effective to tighten the teeth and to keep the gums in a healthy condition.

On June 3, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$3 and costs.

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

**21204. Misbranding of Anticol. U. S. v. 240 Packages of Anticol, A Vapor-ous Inhalant. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30473. Sample no. 23413-A.)**

This case involved a drug preparation which contained undeclared alcohol.

On May 17, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the