

Pituitary (Liquor Pituitarri) Assayed by Method of U.S.P.X.", on the small carton; and the statements, "This solution is standardized by the method prescribed by the U.S. Pharmacopoeia * * * They are of constant and dependable activity and are equal to U.S.P.X. requirements", contained in the circular, were false and misleading, since the article was not prepared and physiologically assayed according to the United States Pharmacopoeia, Tenth Revision, it was not standardized by the method prescribed by the said pharmacopoeia, and it was not equal to the requirements thereof.

On October 6, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

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

21580. Misbranding of Dr. M. Hermance's Asthma and Hay Fever Medicine. U. S. v. 32 Bottles of Dr. M. Hermance's Asthma and Hay Fever Medicine. Default decree of condemnation and destruction. (F. & D. no. 27700. I. S. no. 21537. S. no. 5780.)

Examination of the drug preparation involved in this case disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle and carton labels and in a circular shipped with the article.

On February 10, 1932, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 32 bottles of Dr. M. Hermance's Asthma and Hay Fever Medicine at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about November 21, 1931, by Claude A. Bell, from Lowell, Mass., 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 potassium iodide, extracts of plant drugs, including licorice and lobelia, alcohol, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent: (Bottle label) "Asthma * * * And Hay Fever Medicine", (on design of bell) "* * * Asthma Medicine * * * Used in Asthma and Hay Fever. This medicine should be taken in doses sufficiently large to arrest the paroxysm and help the person to breathe more freely * * * Hay Fever—One half to one teaspoonful four times a day. For best results, the treatment should be started six weeks before Hay Fever period. * * * helpful in catarrhal conditions * * * It cuts the phlegm and helps to clear the bronchial tubes.' Directions Dose for Adult—For Asthma first two days, one-half teaspoonful, four times a day after meals, and on retiring; then increase dose to one teaspoonful, four times a day. If you have a bad attack, take the medicine every twenty minutes, increasing each dose. * * * Use * * * Asthma & Hay Fever Medicine as directed other wise the good effects of a food medicine may be lost", (carton) "Asthma and Hay Fever Medicine", (on design of bell) "Asthma Medicine These distressing ailments have in this prescription a prompt and effective remedy for relief. * * * Brings Quick Relief To Sufferers From Asthma and Hay Fever. This Medicine is a Body Builder Also Used For Catarrhal, Bronchial and Heart Trouble With Best Of Results Good For The Whole Family For Coughs * * * And All Bronchial Troubles", (circular) "That Terrible Disease Asthma * * * Asthma and Hay Fever Medicine A medical compound which, when properly and perseveringly used, has been found helpful in the treatment of Asthma and Hay Fever. As these disorders are of a persistent nature, a person suffering from them must be equally persistent. * * * Directions Dose for Adult—For Asthma, first two days, one-half teaspoonful, four times day, after meals, and on retiring, then increase the dose to one teaspoonful, four times a day. If you have a bad attack take the medicine every twenty minutes, increasing each dose up to two teaspoonfuls. Until relieved", (design on bell bearing the words "Asthma Medicine") "Hay Fever—One-half to one teaspoonful four times a day. You should start treatment six weeks before period. For Catarrhal Conditions. * * * This medicine should be taken in doses sufficiently large to arrest the paroxysm and help the person to breathe more freely. * * * 'This medicine has been found helpful in Catarrhal Conditions * * * It cuts the phlegm and helps to clear the

Bronchial tubes.' Use Hermance's Asthma & Hay Fever Medicine as directed, otherwise the good effects of a good medicine may be lost." (Similar statements made in foreign languages.)

On March 25, 1932, Claude A. Bell, Lowell, Mass., appeared as owner and claimant and filed an answer denying the misbranding charge. On September 15, 1933, the claim and answer were withdrawn, and judgment was entered by the court condemning the product and ordering its destruction.

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

21581. Adulteration and misbranding of Nu-Vita Yeast. U. S. v. 20 Sacks of Nu-Vita Yeast for Livestock and Poultry. Default decree of forfeiture and destruction. (F. & D. no. 30598. Sample no. 22247-A.)

This case involved a product labeled to convey the impression that it consisted essentially of yeast. Examination showed that the article consisted largely of corn meal, with a small amount of barley and an unimportant proportion of yeast present. The article would not make feed more available in stock and poultry production as claimed, and contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On June 26, 1933, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 sacks of Nu-Vita Yeast for Livestock and Poultry at New Richmond, Wis., alleging that the article had been shipped in interstate commerce on or about May 23, 1933, by the George D. Miller Co., from Waterloo, Iowa, and charging adulteration and 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 corn meal, with small proportions of a barley product and yeast. The yeast constituted approximately 1 percent of the product.

It was alleged in the libel that the article was adulterated under the provisions of the law relating to food in that a substance, corn meal, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength.

Misbranding of the article, considered as a food, was alleged for the reason that the statements, "Nu-Vita Yeast for Livestock and Poultry * * * Nu-Vita Stock Yeast The Utmost in Feeding Value for Livestock and Poultry. * * * Nu-Vita Yeast * * * When allowed to thoroughly ferment the unavailable proteins are released, fibrous matter reduced, and the animal receives more from the feed in this method than any other manner", were false and misleading, since it would not produce the results claimed and since it consisted essentially of corn meal, with small portions of a barley product and approximately 1 percent of yeast.

Misbranding was alleged under the provisions of the law relating to drugs in that the following statements, borne on the directions card, regarding the curative and therapeutic effects of the article, were false and fraudulent: "White Diarrhea And Coccidiosis. Remove all other feed. Mix 2 pounds of Nu-Vita Yeast to every 100 pounds of feed or mash. Ferment 24 hours with luke warm water. Reduce moisture by mixing with just enough dry mash to make the ration crumbly. Feed enough to keep them a little hungry. Necro and Scours. In severe cases of Necro always feed a slop. Mix 2 pounds of Nu-Vita Yeast with 50 pounds bran and 50 pounds ground hulled oats fermented. Feed night and morning as a thin gruel slop. If there is a tendency for Scouring at any time during the feeding of Nu-Vita Yeast reduce the amount in the feed for a day or so."

On August 10, 1933, no claimant having appeared for the property, judgment of 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.*

21582. Misbranding of Super Culture Hylactic Yeast Feed. U. S. v. 104 Bags of Super Culture Hylactic Yeast Feed. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 29796. Sample no. 24370-A.)

This case involved a shipment of a product intended for use as a stock conditioner. Examination showed that the article would not increase the feeding value of common grains 20 to 30 percent as represented in the circular,