

and March 25, 1934, by U. S. Okey (a fictitious name used by Alberty Food Laboratories), from Hollywood, Calif., and charging misbranding of the former, and adulteration and misbranding of the latter, in violation of the Food and Drugs Act.

Analyses showed that the Spleen and Iron Tablets consisted essentially of metallic iron, a fishy oil, compounds of calcium and phosphorus, protein substances and material of vegetable origin including berberine, and that the Hemoglobin Tonic consisted essentially of protein substances, material derived from plant drugs including nux vomica, and compounds of calcium and phosphorus.

The Hemoglobin Tonic was alleged to be adulterated in that its strength and purity fell below the professed standard or quality under which it was sold, namely: (Wrapper) "Hemoblobin Tonic"; (carton) "This Tonic is Composed of Animal Extracts, Hemoglobin, Spleen substances, Pancreas and Spermin from the Interstitial Cells of Leydig and Neucleinic Acid from Wheat."

Misbranding of the Spleen and Iron Tablets was alleged for the reason that the designation of the article, "Spleen and Iron Tablets", and the statement on the carton, "Contains Actual Spleen Substance, Iron etc.", were false and misleading, in view of the actual composition of the article. Misbranding of the Hemoglobin Tonic was alleged for the reason that the statements (wrapper) "Hemoglobin Tonic", and (carton) "This Tonic is Composed of Animal Extracts, Hemoglobin, Spleen Substances, Pancreas and Spermin from the Interstitial Cells of Leydig and Neucleinic Acid from Wheat", were false and misleading, in view of the actual composition of the article.

On August 17, 1934, Thomas Martindale & Co., Philadelphia, Pa., having appeared as claimant, judgments of condemnation and forfeiture were entered, and it was ordered that the products be released to the claimant upon payment of costs and the execution of bonds totaling \$700, conditioned that they be relabeled under the supervision of this Department.

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

23019. Adulteration and misbranding of Cheno Restorex Tablets. U. S. v. 30 Dozen Packages and 80 Dozen Packages of Cheno Restorex Tablets. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 33111, 33171. Sample nos. 389-B, 5782-B.)

These cases involved a product, the labeling of which bore unwarranted curative and therapeutic claims. The product was represented to contain in four tablets, a level teaspoonful of dehydrated vegetables, whereas it did not. One lot was labeled, "does not contain drugs", when as a matter of fact the product did contain drugs.

On July 24, and August 8, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 110 dozen packages of Cheno Restorex Tablets at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, in part on or about July 14, 1934, by the Railway Terminal Warehouse Co. (invoiced by Alberty Laboratories) from Chicago, Ill., and in part on or about July 13, 1934, by U. S. Okey (a fictitious name used by Alberty Food Laboratories), from Los Angeles, Calif., and charging misbranding of a portion and adulteration and misbranding of the remainder in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted of powdered plant material including a laxative drug, together with calcium and phosphorus compounds, compressed in tablet form.

Adulteration of one of the lots was alleged in that its strength fell below the professed standard under which it was sold, namely, (page 13 of booklet entitled "Cheno Keep or Regain That Youthful Figure", a supply of which was shipped by the manufacturer to the consignee on March 10, 1934) "Four Cheno Restorex Tablets Contain a Level Teaspoonful of dehydrated vegetables."

Misbranding of one of the lots was alleged for the reason that a certain statement on the label was false and misleading, since it represented that the article did not contain drugs, whereas it did contain drugs. Misbranding of both lots was alleged for the reason that the term "Restorex", appearing on the label, was false and fraudulent, since the article was not a restorative in any sense, and in particular was not a restorative of the normal size and shape of the human body as the manufacturer interpreted the term in collateral advertising.

On August 17, 1934, Thomas Martindale & Co., Philadelphia, Pa., having appeared as claimant, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$1,000, conditioned that it be relabeled under the supervision of this Department.

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

23020. Misbranding of Alberty's Foods. U. S. v. 192 Packages of Instant Alberty's Food and 30 Cans of Alberty's Food. Consent decrees of condemnation and forfeiture. Products released under bond to be relabeled. (F. & D. nos. 33270, 33271. Sample nos. 2619-B, 2620-B.)

These cases involved products, the labels of which bore unwarranted health and therapeutic claims.

On or about August 24, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 192 packages of Instant Alberty's Food and 30 cans of Alberty's Food at Chicago, Ill., alleging that the articles had been shipped in interstate commerce, on or about March 13 and May 23, 1934, by U. S. Okey (a fictitious name used by Alberty Food Laboratories), from Hollywood, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the Instant Alberty's Food consisted essentially of dried milk and plant material including starch, and that the Alberty's Food consisted essentially of wheat flour, shorts, and bran.

The articles were alleged to be misbranded in that the following statements, regarding their curative or therapeutic effects, were false and fraudulent: (Instant Alberty's Food) "One May Take One Or More Of The Alberty Products And Get Results. The full Alberty's Treatment is not essential but is for those who desire to recover their health in the shortest possible length of time. Regardless of what is wrong—some ailment or a general 'rundown' condition, quicker and more pronounced results are obtained when the full treatment is taken. In most all ailments or 'run-down' conditions, the nervous system is effected and the cells of the body becomes inactive or partially paralyzed and are not renewed as quickly as when the body is perfectly normal. The daily loss of worn-out cells amounts to about 100 million million. These worn-out cells must not only be eliminated but must be replaced daily to maintain or to rebuild health. * * * Many people take just one of the products and get excellent results. Some take only the Alberty's Food, * * * Alberty's Food Regular Or Instant—the body builders. * * * Instant Alberty's Food is a highly concentrated food already prepared with pure, fresh, cow's milk combined with Alberty's Food. * * * Within the past few years, marvelous discoveries connected with the health-giving aspects of milk have been made. Milk is a great help to men and women who want to keep strong, vigorous and youthful. Not only is milk a builder, repairer and invigorator, but it is the only food that really heals and is also used as an antidote for poisons, etc. * * * Alberty's Food * * * Is a cereal derivative containing * * * protein * * * for rebuilding body cells. * * * has 16 life sustaining elements, * * * Alberty's Food, * * * makes of milk a different food * * * It breaks up the dense curd into * * * particles, * * * the digestive juices mingling through these particles, absorbs the healing and life-giving elements in milk. * * * One May Take One Or More Of The Alberty Products And Get Results. The full Alberty's Treatment is not essential but is for those who desire to recover their health in the shortest possible length of time. Regardless of what is wrong—some ailment or a general 'rundown' condition, quicker and more pronounced results are obtained when the full treatment is taken. In most all ailments or 'run-down' conditions, the nervous system is effected and the cells of the body becomes inactive or partially paralyzed and are not renewed as quickly as when the body is perfectly normal. The daily loss of worn-out cells amounts to about 100 million million. These worn-out cells must not only be eliminated but must be replaced daily to maintain or to rebuild health. * * * Many people take just one of the products and get excellent results. Some take only the Alberty's Food, * * * Alberty's Food Regular Or Instant—the body builders. * * * Instant Alberty's Food is a highly concentrated food already prepared with pure, fresh, cow's milk combined with Alberty's Food. * * * Within the past few years, marvelous discoveries connected with the health-giving