

and the period of viability of each was less than claimed. Accompanying circulars contained false and fraudulent curative or therapeutic claims.

On January 4, 1937, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 41 packages of an article labeled "Cereal Lactic (Powder)" and 66 packages of another article labeled "Cereal Lactic (Capsules)" at St. Louis, Mo., alleging that they had been shipped in interstate commerce on or about July 11, 1936, by the Cereal Lactic Co., from Woodward, Iowa, and that they were adulterated and misbranded in violation of the Food and Drugs Act as amended.

Analysis of the Cereal Lactic (Powder) showed the presence of lactic-acid-producing bacteria not to exceed 10,000 per gram, and the presence of extraneous nonaciduric bacteria (10,000 to 50,000 per gram). Analysis of the Cereal Lactic (Capsules) showed the presence of lactic-acid-producing bacteria not to exceed 100,000 per gram, and the presence of extraneous nonaciduric bacteria (20,000 to 80,000 per gram).

The Cereal Lactic (Powder) was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold, namely, "Bacterial count: 173 million aciduric organisms per gram of dry material * * * Viability Exceeds 3 Years", in that the bacterial count was less than 173 million aciduric organisms per gram of dry material, its viability did not exceed 3 years, and it contained from 10,000 to 50,000 extraneous nonaciduric bacteria per gram. Said article was alleged to be misbranded in that the statement borne on the label, "Bacterial count: 173 million aciduric organisms per gram of dry material * * * Viability Exceeds 3 Years", was false and misleading in that the bacterial count was less than 173 million aciduric organisms per gram of dry material, its viability did not exceed 3 years, and it contained from 10,000 to 50,000 extraneous nonaciduric bacteria per gram.

The article Cereal Lactic (Capsules) was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold, namely, "Bacterial count: 173 million aciduric organisms per gram of dry material * * * Viability Exceeds 3 Years", in that the bacterial count was less than 173 million aciduric organisms per gram of dry material, its viability did not exceed 3 years, and it contained from 20,000 to 80,000 extraneous nonaciduric bacteria per gram. Said article was alleged to be misbranded in that the statement borne on the label, "Bacterial count: 173 million aciduric organisms per gram of dry material * * * Viability Exceeds 3 Years", was false and misleading in that the bacterial count was less than 173 million aciduric organisms per gram of dry material, its viability did not exceed 3 years, and it contained from 20,000 to 80,000 extraneous nonaciduric bacteria per gram.

Each of the articles was alleged to be misbranded further in that the statement regarding its curative or therapeutic effect contained in a circular enclosed in the package, "Cereal Lactic is indicated in all gastro-intestinal conditions where a change in intestinal flora is known to be beneficial; also in reflex symptoms due to toxins of gastro-enteric origin", falsely and fraudulently represented that it was capable of producing the effect claimed in said statement.

On February 8, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26997. Adulteration and misbranding of cod-liver oil. U. S. v. 8 Drums of Cod-Liver Oil. Default decree of condemnation and destruction. (F. & D. no. 38908. Sample no. 13086-C.)

The label of this product bore a false and misleading statement that it was cod-liver oil U. S. P., and that each gram contained 95 U. S. P. vitamin D units; whereas each gram contained less than 85 U. S. P. vitamin D units. It differed from the pharmacopoeial standard for cod-liver oil in that more than 1 cubic centimeter of tenth-normal sodium hydroxide, namely, 1.32 cubic centimeters, were required to neutralize the free acid in 2 grams of the sample; and it deposited stearin when immersed in a mixture of ice and distilled water for 5 hours.

On January 5, 1937, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 8 drums of cod-liver oil at Horseheads, N. Y., alleging that the article had been shipped in interstate commerce on or about August 10, 1933, by McKesson & Robbins, Inc.,

from Bridgeport, Conn., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia. Said article was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Each (gram) Contains U. S. P. X 1934 Revised * * * (95) Vit. D units."

The article was alleged to be misbranded in that the statement, "Superfine Poultry Cod Liver Oil * * * U. S. P. * * * Each (Gram) Contains U. S. P. X 1934 Revised * * * (95) Vit. D. Units", borne on the labels, was false and misleading in that it represented that the article was cod-liver oil U. S. P., each gram of which contained 95 vitamin D units; whereas in fact each gram of the article contained less than 95 U. S. P. units of vitamin D per gram.

On February 2, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26998. Misbranding of Rawleigh's All-Medicine Hog Mixture. U. S. v. 9 Pails and 23 Packages of Rawleigh's All-Medicine Hog Mixture. Consent decree of condemnation and destruction. (F. & D. no. 88987. Sample no. 81128-C.)

The labels of this article bore false and fraudulent curative or therapeutic claims.

On January 21, 1937, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 9 pails and 23 packages of Rawleigh's All-Medicine Hog Mixture at Denver, Colo., alleging that it had been shipped in interstate commerce by the W. T. Rawleigh Co., from Freeport, Ill., on or about November 6, 1936, and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of sodium chloride, phosphate, thiosulphate, and bicarbonate, ferrous sulphate, sulphur, charcoal, and a small quantity of a laxative plant drug.

The article was alleged to be misbranded in that statements regarding its curative or therapeutic effects, borne on the labels of the pails and packages and contained in a booklet and in a circular enclosed in the pails and in the packages, falsely and fraudulently represented that it was capable of producing the effects claimed in such statements, in substance and effect as follows: That the article would be effective to stimulate the appetite and to tone up the digestive processes in conditions of impaired nutrition in hogs; that it would aid in fattening hogs, brood sows, shoats, and pigs; would stimulate sluggish liver and aid in overcoming intestinal indigestion, and prevent fermentation caused by fungi in the alimentary canal; would be effective in treating gastric intestinal bleeding, gastric ulcers, and catarrh of the stomach; would increase the flow of saliva, relieve flatulency, and promote digestion; would have a laxative effect upon the skin and the linings of the stomach; would act as a stimulant and destroy disease germs; would stimulate the appetite and increase solubility of food and relieve indigestion and accompanying flatulency; that the article possessed the property of absorbing gases, would purify the stomach and intestines, and prevent the growth of disease germs by depriving them of moisture; would relieve pain in the stomach and aid in the cure of fermentative dyspepsia and catarrh; would aid in fattening hogs; would supply elements the system of swine requires and would be effective as a tonic and alterative and stimulant; would assist in toning up the system and improving the appetite; would aid the processes of digestion, assimilation, and elimination; would promote greater strength, more vigorous functional activity and health, greater vitality, and natural power of resistance against disease; would be effective as a remedy or cure for loss of appetite, indigestion, and run-down condition; would be effective to maintain the appetite, to assist the animals to grow and fatten more quickly, to round out better, and to reach a condition that would bring higher market prices; would cause greater gains in bone, muscle, and feeding capacity; would aid in keeping the digestive tract alkaline and thereby prevent the growth of necrotic and other types of enter-