

for Millions" and "Beneficial to the control of the stomach and sluggish liver"; that the device "Vita-Mil" being a device regarding the curative and therapeutic effects of the article was false and fraudulent since the article contained no ingredient or combination of ingredients capable of producing the effects claimed by means of the said device. The libel alleged that a portion of the article was misbranded further in that the statement borne on the carton, "Made from Roots, Herbs and Barks and Other Medicinal Ingredients", was misleading in that it might mean to purchasers that the article was made from plant materials solely; whereas it contained a large proportion of Epsom salt, a mineral drug.

On March 17, 1937, no claimant having appeared, a decree was entered ordering that the product be destroyed.

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

**27382. Adulteration and misbranding of Vita-Mil. U. S. v. 18 Cases and 6 Cases of Vita-Mil. Default decrees of destruction. (F. & D. nos. 38783, 38784. Sample no. 16342-C.)**

This product was represented to consist of roots, herbs, and barks. Examination showed that it contained Epsom salt, a mineral cathartic drug, and that the labeling bore false and fraudulent representations regarding its curative and therapeutic effects.

On or about December 11, 1936, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 24 cases of Vita-Mil at Savannah, Ga., alleging that it had been shipped in interstate commerce in part on or about May 28 and 29, 1936, by Pailey's Pharmacy from Orlando, Fla., and in part on or about June 12, 1936, by the Court Square Drug Co., from Palatka, Fla., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of Epsom salt (approximately 23 percent), and extracts of plant drugs including a laxative drug; small proportions of sodium benzoate, saccharin, sugars, caramel, and flavoring material and water.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard under which it was sold, viz: In an advertisement in a Savannah evening paper of September 3, 1936, which read, "What it is! Vita-Mil is a medical compound of more than 20 of the finest Medicinal Herbs"; and in a statement on the cartons of a portion which read, "Made from Roots Herbs and Barks and Other Medicinal Ingredients"; and in a statement on the cartons of the remainder which read, "A Medicine Made from Roots Herbs and Barks from All Parts of the Earth", since the article consisted largely of Epsom salt, which is not a medicinal herb, root, or bark.

It was alleged to be misbranded in that the following statements were false and misleading when applied to an article consisting largely of Epsom salt, a mineral cathartic drug: (Carton of portion) "A Medicine Made From Roots Herbs and Barks and Other Medicinal Ingredients"; (carton of remainder) "A Medicine Made From Roots Herbs and Barks From all Parts of the Earth Containing No Harmful Drugs." It was alleged to be misbranded further in that the statement, design, and device, "Vita-Mil", and the firm name "The Vita-Mil Company", borne on the cartons and bottles, and the statement, "A Perfected Combination Beneficial to the Control of the Stomach and Sluggish Liver", regarding its curative and therapeutic effects, borne on the cartons of a portion, were false and fraudulent.

On January 12 and 14, 1937, no claimant having appeared, judgments were entered ordering that the product be destroyed.

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

**27383. Adulteration and misbranding of Tincture Cinchona Comp. and Powdered Extract Nux Vomica. U. S. v. Burrough Bros. Manufacturing Co. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 38045. Sample nos. 70181-B, 70140-B.)**

These products were sold under names recognized in the United States Pharmacopoeia and differed from the standard established by that authority.

On April 16, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Burroughs Bros. Manufacturing Co., a corporation at Baltimore, Md., alleging shipment by said company in violation of the Food