

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

and Drugs Act on or about April 30, 1936, from the State of Maryland into the District of Columbia of quantities of Tincture Cinchona Comp. and Powdered Extract Nux Vomica that were adulterated and misbranded. The articles were labeled in part: "Tincture Cinchona Comp. U. S. P. X (Tincture Cinchonae Composita) Standard: Each 100 cc. contains not less than 0.4 Gm. and not more than 0.5 Gm. of Alkaloids"; "Powdered Extract Nux Vomica U. S. P. X Strychnos Nux Vomica Contains 15.2 to 16.8% of Alkaloids * * * Burrough Bros. Mfg. Co. * * * Baltimore, Md."

The articles were alleged to be adulterated in that they were sold under and by names recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down therein in the following respects: The Tincture Cinchona Comp. contained in each 100 cubic centimeters less than 0.4 gram of alkaloids of cinchona, whereas the pharmacopoeia provided that tincture of cinchona compound should contain in each 100 cubic centimeters not less than 0.4 gram of the alkaloids of cinchona; and the Powdered Extract Nux Vomica yielded not more than 10.97 percent of the alkaloids of nux vomica, whereas the pharmacopoeia provided that extract of nux vomica should yield not less than 15.2 percent of the alkaloids of nux vomica; and the standard of strength, quality, and purity of the articles was not declared on the containers thereof. The articles were alleged to be adulterated further in that their strength and purity fell below the professed standard and quality under which they were sold in that they were represented to conform to the standards laid down in the United States Pharmacopoeia, tenth revision, whereas they did not conform to the standards laid down in said pharmacopoeia, tenth revision; and the Tincture Cinchona Comp. was represented to contain in each 100 cubic centimeters not less than 0.4 gram of the alkaloids of cinchona, whereas each 100 cubic centimeters of the article contained not more than 0.352 gram of the alkaloids of cinchona; and the Powdered Extract Nux Vomica was represented to contain not less than 15.2 percent of the alkaloids of nux vomica, whereas it contained not more than 10.97 percent of the alkaloids of nux vomica.

The articles were alleged to be misbranded in that the statements, "Tincture Cinchona Comp. U. S. P. X * * * Each 100 cc. contains not less than 0.4 Gm. * * * of Alkaloids", and "Powdered Extract Nux Vomica U. S. P. X * * * Contains 15.2 to 16.8% of alkaloids", borne on the bottle labels, were false and misleading.

On May 20, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50 and costs.

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

27384. Misbranding of Kroup Monia Cough Syrup. U. S. v. 162 Bottles of Kroup Monia Cough Syrup. Default decree of condemnation and destruction. (F. & D. no. 38534. Sample no. 13603-C.)

The labeling of this product bore false and fraudulent representations regarding its curative or therapeutic effects. It contained less chloroform than declared on the label.

On or about November 21, 1936, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 162 bottles of Kroup Monia Cough Syrup at Norfield, Miss., alleging that the article had been shipped in interstate commerce on or about September 15, 1936, by W. D. Taylor & Co., from Bessemer, Ala., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that it consisted essentially of sugar, water, ammonium chloride, glycerin, alcohol, chloroform (1.3 minims per fluid ounce), menthol, and extracts of plant materials including pine.

The article was alleged to be misbranded in that the statements "4 Minims Chloroform To ounce", borne on the carton, and "4 Mins. Chloroform to oz.", borne on the bottle label, were false and misleading when applied to an article containing less than 4 minims of chloroform to an ounce. It was alleged to be misbranded further in that the following statements regarding its curative or therapeutic effects, appearing in the labeling, were false and fraudulent: (Carton) "Kroup Monia Cough Syrup A safe, * * * and effective treatment for the relief of certain coughs, * * * hoarseness and similar bronchial irritations. * * * for coughs and hoarseness. * * * effective aid in the relief of certain types of Coughs and Hoarseness and Bronchial Irritations";