On December 7, 1937, a plea of guilty was entered and the defendant was sentenced to pay a fine of $50 and costs for violation of both acts.

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

28331. Misbranding of Vegetrate Formulas. U. S. v. 16 Bottles of Vegetrate Formula No. D–44, et al. Default decree of condemnation and destruction. (F. & D. Nos. 40071 to 40074, incl., 41368 to 41371, incl., 40291 to 40293, incl., 40115 to 40118, incl. Sample Nos. 36708–C to 36711–C, incl., 47568–C, 47570–C, 47708–C, 47709–C, 38613–C to 38619–C, incl., 15184–C to 15189–C, incl.)

The labeling of these products bore false and fraudulent statements and devices regarding their therapeutic and curative effects, and false and misleading statements regarding the amount of minerals they would supply.

On August 17 and 21 and September 21, 1937, and January 17, 1938, the United States attorneys for the Northern District of Illinois, the Southern District of New York, and the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of various lots of Vegetrate Formulas at Cleveland, Ohio, New York, N. Y., and Evanston, Ill., alleging that the articles had been shipped in interstate commerce between the dates of February 28, 1936, and November 10, 1937, by Vegetrates, Inc., from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples showed that Formula No. H–410 consisted essentially of material derived from vegetables, including leafy vegetables and garlic—four samples analyzed contained 0.03, 0.03, 0.05, and 0.12 grain of phosphorus per tablet; Formula No. D–44 consisted essentially of dried vegetable material, yielding ash material approximately 1 grain per tablet, representing from 0.08 to 0.09 grain of calcium, 0.04 to 0.05 grain of phosphorus, 0.003 grain of iron, 0.1 grain of sodium, 0.03 to 0.04 grain of magnesium, 0.05 to 0.06 grain of sulphur, and 0.11 to 0.12 grain of chlorine; Formula No. A–45 consisted essentially of dried vegetable material containing phosphorus compounds equivalent to not more than 0.04 grain of phosphorus per tablet; Formula No. A–417 consisted essentially of dried vegetable material yielding ash material approximately 1 grain per tablet representing from 0.002 to 0.004 grain of iron, 0.09 grain of calcium, and 0.03 to 0.04 grain of phosphorus.

The articles were alleged to be misbranded in that the following statements on the labels of portions and similar statements on the labels of the remainder were false and misleading since the articles if consumed in accordance with the directions, would supply but inconsequential amounts of the ingredients claimed: (Formula No. H–410) "* * * composed of * * * vegetables, selected and grown with particular regard to a high phosphorus * * * content * * * Directions Adults: 2 to 3 tablets, 3 times a day"; (Formula No. A–417) "The actual breakage of the cellulose cells make available organic iron, calcium and phosphorous * * * Directions Adults: Three or four tablets, three times a day"; (Formula No. A–45) "Is composed of the concentrates of raw vegetables and are so processed and proportioned as to make available a high content of organic phosphorus. The leafy vegetable ingredients, asparagus, beet leaves and endive, are all prolific sources of organic phosphorus, * * * Directions Adults: Three or four tablets, three times a day"; (Formula No. D–44) "Vegetrate Formula No. D–44 is composed of the concentrates of raw vegetables and is so processed and proportioned as to make available organic calcium, phosphorus, iron, sodium, magnesium, sulphur and chlorine * * * Directions Adults: Three or four tablets, three times a day."

Portions of the Formula No. H–410 were alleged to be misbranded further in that the statement appearing on the label, "Garlic Tablets," was false and misleading since the article contained ingredients derived from vegetables other than garlic.

The articles were alleged to be misbranded further in that the combination of letters and numbers, "Vegetrate Formula No. D–44 [or "H–410," "A–417," or "A–45"]," borne on the labels of the respective products, were devices regarding the curative and therapeutic effects of the article since they meant to purchasers that the articles were treatments for diabetes, high blood pressure, asthma and hay fever, and arthritis, respectively, having attained such meaning to purchasers as the result of statements appearing in booklets entitled "Wrong Diet the Curse of the Age," which were distributed to customers and

prospective customers and in which the said articles were separately described as being effective as follows: Formula D–44 in the treatment of diabetes; Formula H–410 in the treatment of high blood pressure; Formula A–417 in the treatment of asthma and hay fever, and Formula A–45 in the treatment of arthritis.

Portions of the "A–45" and "H–410" were alleged to be misbranded further in that the statement, "This product is not intended for the treatment of disease but is a food adjuvant and tends toward the building of health," borne on the bottle label, was false and fraudulent since the article was not a food adjuvant tending toward the building of health.

On October 9 and 15 and November 8, 1937, and April 12, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

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

28332. Adulteration and misbranding of acetanilid and salol tablets, Blaud's Tablets, and phenolphthalein tablets. U. S. v. George A. Colvin and Humphrey D. Brock (Brunswick Tablet Co.). Pleas of nolo contendere. Fines of $50 and costs. (F. & D. No. 39782. Sample Nos. 6550–C, 14841–C, 14844–C, 33426–C, 33430–C.)

The acetanilid and salol tablets contained less acetanilid and salol than declared; the Blaud's Tablets contained less ferrous carbonate than required by the pharmacopoeia and less iron sulphate exsiccated than declared; the phenolphthalein tablets contained four-fifths the labeled amount of phenolphthalein.

On October 22, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against George A. Colvin and Humphrey D. Brock, trading as the Brunswick Tablet Co., at Chicago, Ill., alleging shipment in violation of the Food and Drugs Act by the said defendants on or about February 26, March 13 and 20, 1937, from the State of Illinois into the States of Michigan and Wisconsin, of quantities of drug tablets which were adulterated and misbranded. The articles were labeled in part: "Manufactured by Brunswick Tablet Company, Manufacturing Chemists, Chicago, Illinois."

The acetanilid and salol tablets were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, in that each of the tablets was represented to contain 2½ grains of acetanilid and 2½ grains of salol; whereas each of said tablets contained less than 2½ grains, namely, not more than 2.12 grains of acetanilid and 2.25 grains of salol. The said articles were alleged to be misbranded in that the statement borne on the bottle label, "Tablets * * * Acetanilid 2½ gr.; Salol 2½ gr.," was false and misleading.

The Blaud's Tablets were alleged to be adulterated in that they were 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 the pharmacopoeia in that each tablet contained less than 0.06 gram of ferrous carbonate—samples of the two shipments having been found to contain not more than 0.046 and 0.043 gram respectively; whereas the pharmacopoeia provides that Blaud's pills, i. c., Blaud's tablets, each shall contain not less than 0.06 gram of ferrous carbonate, and the standard of strength, quality, and purity of the article was not declared on the container thereof. The 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, in that each of said tablets was represented to contain 2½ grains of iron sulphate exsiccated; whereas each of said tablets contained less than 2½ grains,—samples from the two shipments having been found to contain not more than 1.08 grains and 1.01 grains, respectively, of iron sulphate exsiccated. The said article was alleged to be misbranded in that the statement on the bottle label, "Tablets * * * Iron Sulp. Ex. 2½ grains," was false and misleading.

The phenolphthalein tablets were alleged to be adulterated in that they were sold under a name recognized in the National Formulary, and differed from the standard of strength, quality, and purity as determned by the test laid down in the formulary in that each of said tablets was represented by the label to contain 1 grain of phenolphthalein, whereas they contained less than 1 grain, namely, not more than approximately four-fifths grain of phenolphthalein—samples of the two shipments having been found to contain not more than