

28357. Adulteration and misbranding of cod-liver oil tablets. U. S. v. 40,000 Cod Liver Oil Tablets. Default decree of condemnation and destruction. (F. & D. No. 40530. Sample No. 45879-C.)

This product was represented to contain 1,100 U. S. P. X units of vitamin A per tablet, whereas it contained not more than 780 units per tablet.

On October 20, 1937, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40,000 cod-liver oil tablets at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about February 5, 1937, by the Shores Co. from Cedar Rapids, Iowa, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "The Shores Company * * * Cedar Rapids Iowa."

It was alleged to be adulterated in that its strength and purity fell below the professed standard under which it was sold, namely, "1100 Vitamin A Units * * * U. S. P. X 1934," since it did not contain 1,100 U. S. P. units of vitamin A per tablet, but did contain a less amount.

It was alleged to be misbranded in that the statement on the label, "1,100 Vitamin A Units * * * U. S. P. X 1934," was false and misleading as applied to an article containing less than 1,100 U. S. P. units of vitamin A per tablet.

On December 23, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28358. Adulteration of cod-liver oil tablets. U. S. v. 35,000 Cod Liver Oil Tablets. Default decree of condemnation and destruction. (F. & D. No. 40415. Sample No. 45793-C.)

This product was represented to contain 1,570 vitamin A units per tablet, whereas it contained not more than 785 U. S. P. units of vitamin A per tablet.

On October 1, 1937, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35,000 cod-liver oil tablets at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about October 23, 1936, by Strong-Cobb & Co., Inc., from Cleveland, Ohio, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, (invoice) "Cod Liver Oil Tablets No. 1 * * * 1570 Vitamin A * * * Units," since it did not contain 1,570 vitamin A units per tablet but did contain a much less amount.

On December 22, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

28359. Adulteration and misbranding of Merz-Allium. U. S. v. 17 Packages of Merz-Allium. Default decree of condemnation and destruction. (F. & D. No. 40641. Sample No. 56871-C.)

This product was labeled to convey the impression that it contained medicinal garlic oil, whereas it consisted of peanut oil and only a trace of garlic extract.

On November 4, 1937, the United States attorney for the Southern 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 17 packages of Merz-Allium at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 26, 1937, by Merz & Co. Chemical Works, Inc., from Newark, N. J., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard or quality under which it was sold, (label) "Allium Gelatinous Capsules containing Genuine Bulgarian Garlic Oil * * * each containing 0.5 grs. [gms.] of medicinal garlic oil," since the capsules did not contain 0.5 gram of medicinal garlic oil, but did contain 0.5 gram of peanut oil and only a trace of garlic extract.

It was alleged to be misbranded in that the above-quoted statements were false and misleading as applied to an article that contained 0.5 gram of peanut oil and only a trace of garlic extract per capsule.

On November 20, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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