Analysis of the Mentho Jell showed that it consisted essentially of a small proportion of volatile oils, including menthol and eucalyptol, incorporated in a petrolatum base. Analysis of the headache powders showed that they contained more than 3.5 grains of acetanilid each, namely, on the average of 12 powders not less than 4.02 grains of acetanilid.

The articles were alleged to be misbranded in that statements appearing on the labels, regarding their therapeutic and curative effects, falsely and fraudulently represented that the Mentho Jell was effective as a treatment for catarrh, hay fever, catarrhal deafness, sore throat, and all diseases caused by nasal catarrh; and that the headache powders were effective as a treatment for all kinds of headache and neuralgia, sick headaches, la grippe, fever, rheumatic pains, gout, and chest pains. The headache powders were alleged to be misbranded further in that the statement borne on the boxes, "Kalo's Headache Powders Contain Acetanilid three and one-half grains to each powder," was false and misleading since it represented that each of said powders contained 3½ grains of acetanilid; whereas a portion of said powders contained more than 3½ grains of acetanilid and the remainder contained less than 3½ grains per powder; and in that they contained acetanilid and the label on the package failed to bear a statement of the quantity or proportion of acetanilid contained therein.

On February 28, 1938, a plea of guilty was entered and the defendant was sentenced to pay a fine of $25.

W. R. GREGG, *Acting Secretary of Agriculture.*

28698. Adulteration and misbranding of Cristallovar (follicular hormone in aqueous solution). U. S. v. 174 Boxes of Cristallovar. Default decree of condemnation and destruction. (F. & D. No. 40246. Sample No. 38095–C.)

This product contained only approximately 30 percent of the amount of follicular homone represented on the label.

On September 3, 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 174 boxes of Cristallovar at New York, N. Y., alleging that the article had been shipped from Milan, Italy, by Istituto Biochimico Italiano on or about September 12, 1936, and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, that is, on the box label, "Follicular Hormone * * * each vial of 2 cc. contains 2000 international units," since it contained in each 2 cubic centimeters follicular hormone in an amount materially less than 2,000 international units.

It was alleged to be misbranded in that the statements on the label, "Follicular Hormone * * * Physiologically Standardized and Biologically Controlled—Each Vial of 2 cc. Contains 2,000 International Units," were false and misleading when applied to an article that contained follicular hormone in an amount materially less than 2,000 international units per 2 cubic centimeters.

On October 13, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

28699. Misbranding of Lacto-Cal. U. S. v. 41 Packages of Lacto-Cal. Default decree of condemnation and destruction. (F. & D. No. 41539. Sample No. 48424–C.)

This product was misbranded because of false and fraudulent therapeutic and curative claims in the labeling. It also was labeled to indicate that it contained a substantial proportion of calcium, whereas it contained but an insignificant amount.

On January 26, 1938, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 41 packages of Lacto-Cal at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about September 24, 1937, from Los Angeles, Calif., by Lacto-Cal Laboratories, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that it consisted essentially of water, lactic acid, calcium lactate, a small proportion of volatile acid, coloring,

and small proportions of compounds of sodium, magnesium, chlorine, and sulphur. Each 100 cubic centimeters contained 0.53 grams of calcium lactate and 9.0 grams of lactic acid (which is the eqivalent of approximately ⅓ grain of calcium lactate and 5 grains of lactic acid per teaspoonful).

The article was alleged to be misbranded in that the name "Lacto-Cal" was false and misleading since it represented that the article contained a significant proportion of calcium; whereas it did not contain a significant proportion of calcium. It was alleged to be misbranded further in that the following statements appearing on the label, regarding its curative or therapeutic effects, were false and fraudulent: "Lacto-Cal A tonic for Nerves and Brain A General Builder Assists in Normalizing and Balancing the Gastric Juices * * * Dose: One to two teaspoonfuls in glass of cold or warm water before each meal. At bedtime take in hot water only." The article was alleged to be misbranded further in that its label bore a statement, "Read the printed circular," which circular contained false and fraudulent statements regarding its curative or therapeutic effectiveness in the treatment of aching limbs, painful joints, stinging nerves, acid in the blood, neuritis, sciatica, arthritis, lumbago, painful feet, rheumatism, intestinal putrefaction, debility of various organs, hyperacidity, indigestion, colitis, stomach catarrh, gastric ulcers, stomach gas, dropsy, colonitis, palpitation of the heart, and many other ailments; and its effectiveness to restore health, regulate the action of the digestive organs, to act as a tonic supplying to the blood, tissues, bones, organs, and all living cells what they need; and to assist in normalizing or balancing the gastric juices; its effectiveness as a nerve and brain food and bone and tissue builder; and its effectiveness to cause restful sleep.

On February 15, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

W. R. Gregg, *Acting Secretary of Agriculture.*

28700. Misbranding of Omar Palmer's Famous Prescriptions. U. S. v. 35 Bottles of Omar Palmer's Prescription No. 53, et al. Default decree of condemnation and destruction. (F. & D. Nos. 40645 to 40651, incl. Sample Nos. 43335–C to 43339–C, incl., and 64528–C to 64534–C, incl.)

These seven products bore false and fraudulent statements and devices on the labeling regarding their therapeutic and curative effects. Certain of the products contained less alcohol than declared and two of them bore misleading statements regarding their composition.

On November 19, 1937, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 bottles and 1 can of Omar Palmer's Famous Prescriptions at Fort Smith, Ark., alleging that the articles had been shipped in interstate commerce on or about June 26 and July 3, 1937, from Hurley, Mo., by Oto Remedies, Inc., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the articles consisted essentially as follows: Prescription No. 53, of extracts of plant drugs, including an alkaloidal drug and a small proportion of volatile acid such as acetic acid, alcohol (6.7 percent), and water; Prescription No. 47, of potassium acetate and a small proportion of extracts of plant drugs, including buchu and a saponin-bearing drug, alcohol (8.7 percent), and water; Prescription No. 38, of an arsenic compound, extracts of plant drugs including a laxative drug, salicylic acid (0.1 percent), alcohol (4.8 percent), and water; Prescription No. 61, of sodium salicylate (5 percent), extracts of plant drugs, alcohol (8.5 percent), and water colored with caramel and sweetened with saccharin; Prescription No. 94, of an arsenic compound, extracts of plant drugs including lobelia, alcohol, and water; Prescription No. 76, of small proportions of guaiacol, menthol, and extracts of plant drugs, alcohol (6.2 percent), sugar, and water; and Prescription Pile Ointment, of sulphur (8.8 percent), and iron sulphate (2.6 percent) incorporated in a petrolatum base.

Prescription No. 53 was alleged to be misbranded in that the following statement on the label falsely and fraudulently represented its therapeutic and curative effectiveness: "Indicated in gas in the stomach, sour stomach, heartburn, flatulency due to hyperacidity of stomach." It was alleged to be misbranded further in that its label stated that it contained 15 percent of alcohol, whereas it contained materially less alcohol.

Prescription No. 47 was alleged to be misbranded in that the designation "Omar Palmer's Famous Prescription No. 47" and the statement on the label, "This is a standard prescription as used and recommended by Omar Palmer