

and animal membrane prophylactics in various lots at Miami, Fla.; Denver, Colo.; and New York, N. Y.; alleging that the articles had been shipped in interstate commerce on January 29, March 1, and May 2, 1938, from Atlanta, Ga., by the Olympia Laboratory; and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part variously: "Excello's," "Pickaniny," or "Amazons."

They were alleged to be adulterated in that their strength fell below the professed standard or quality under which they were sold.

Misbranding was alleged in that the following statements variously appearing in the labeling of the several lots were false and misleading: (Excello's) "The perfected latex \* \* \* For Prevention of Disease"; (Pickaniny) "Of the best Grade \* \* \* Highest Quality. The merchandise which you will find in this package is made of the very best material. \* \* \* Air tested and guaranteed 100% perfect \* \* \* For the prevention of contagious diseases"; (Amazons) "Air Tested 100% Perfect \* \* \* Choicest grade \* \* \* Highest Quality \* \* \* the prevention of contagious diseases \* \* \* made of the very best material."

On May 27, and June 7 and 11, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

**29047. Adulteration and misbranding of rubber prophylactics. U. S. v. 2 Gross, et al., of Rubber Prophylactics (and one similar action). Default decrees of condemnation and destruction. (F. & D. Nos. 41987 to 41990, incl., 42006. Sample Nos. 8739-D to 8742-D, incl., 12093-D, 12094-D.)**

Examination of samples of this product showed that some of them were defective in that they contained holes.

On March 19 and 21, 1938, the United States attorneys for the Eastern District of Michigan and the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 6 gross of rubber prophylactics at Flint, Mich., and 48 gross of the product at New Haven, Conn.; alleging that the articles had been shipped in interstate commerce on or about March 4 and 7, 1938, from New York, N. Y., by the Aaronoff Rubber Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled variously in part: "Kamelskin," or "X-Ray," "Gold-Tip," or "Kingtex."

It was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold.

Misbranding was alleged in that the following statements, variously appearing on the labels of the several lots, were false and misleading: (Kamelskin) "Skin \* \* \* Prophylactic \* \* \* For Prevention of Disease \* \* \* Guaranteed Five Years \* \* \* age defying As an added protection to health Kamelskin is triple tested"; (X-Ray) "Disease Preventative Five Years Guarantee \* \* \* Triple Air Tested"; (Gold-Tip) "Safest Prophylactic Guaranteed Five Years Triple Air Tested Disease Preventative"; (Kingtex) "Disease Preventative Guaranteed Five Years Triple Air Tested."

On May 4 and 9, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

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

**29048. Adulteration and misbranding of Astra-D. U. S. v. 4 Cans of Astra-D. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. No. 40416. Sample No. 15197-C.)**

This product contained fewer units of vitamin D per gram than represented on its label.

On October 1, 1937, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four cans of Astra-D at Milwaukee, Wis.; alleging that the article had been shipped in interstate commerce on or about July 26, 1937, from Los Angeles, Calif., by Lancaster, Inc.; and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Astra-D \* \* \* Lancaster, Inc. \* \* \* Los Angeles, Calif."

It was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Vitamin D \* \* \* Twenty Thousand U S P Units per Gram," since it did not contain 20,000 U S P units of vitamin D per gram, but did contain a much less amount,

The article was alleged to be misbranded in that the statements on the label, "Vitamin D \* \* \* Twenty Thousand U S P Units per Gram biologically standardized by the Loyola University of Los Angeles," were false and misleading when applied to an article containing much less than 20,000 U S P units of vitamin D per gram.

On March 7, 1938, Lancaster, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered, and the product was ordered released under bond conditioned that it be relabeled: "Fifteen thousand U. S. P. Units Per Gram."

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

**29049. Misbranding of Kobros Tablets, Apostal Herb Tea, and Balsam for Lungs. U. S. v. 48 Packages of Kobros Tablets, et al. Default decree of condemnation and destruction.** (F. & D. Nos. 42175 to 42178, incl. Sample Nos. 8375-D, 8378-D, 8379-D, 8380-D.)

The labeling of these products bore false and fraudulent curative and therapeutic claims, and one lot of the Balsam for Lungs contained less alcohol and less chloroform than represented on its label.

On April 14, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 48 packages of Kobros Tablets, 27 packages of Apostal Herb Tea, and 107 packages of Balsam for Lungs at Chicago, Ill.; alleging that the articles had been shipped in interstate commerce on various dates between January 30, 1937, and February 18, 1938, from Duquesne, Pa., by the Royal Manufacturing Co. of Duquesne; and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles showed that the Kobros Tablets consisted essentially of acetylsalicylic acid (aspirin, 5 grains per tablet); that the Apostal Herb Tea consisted essentially of plant material including coriander seed, senna leaves, licorice bark, uva ursi leaves, and cascara sagrada bark; and that the Balsam for Lungs consisted essentially of a syrupy liquid containing alcohol (approximately 5 percent), water, chloroform (approximately 1 minim per fluid ounce), menthol, pine tar, and extract of wild-cherry bark.

The Kobros Tablets were alleged to be misbranded in that certain statements appearing in the labeling in English, Polish, Hungarian, and Slavic, falsely and fraudulently represented the curative and therapeutic effectiveness of the article for the relief of pains and aches, rheumatism, grippe, backache, dullness, dizziness, pressure in head, sleeplessness and such pains which accompany rheumatism, sciatica, lumbago, brain fatigue, sour stomach, nervous exhaustion or similar pains; and in the treatment of rheumatism, nervousness, insomnia, stiffness in the back joints, many pains peculiar to women, head cramps, gout, earache and toothache, trauma, swelling, or any other similar pains.

The Apostal Herb Tea was alleged to be misbranded in that certain statements appearing in the labeling in English, German, Polish, and Hungarian, falsely and fraudulently represented its curative and therapeutic effectiveness in the treatment of dyspepsia, indigestion, biliousness, rheumatism, sick headache, and certain stomach, liver, and kidney ailments; to purify the blood and the complexion; its effectiveness as a treatment for gastric debility, hemorrhoids and chronic diseases, rheumatism, dropsy, tumors, cancer, and all blood disorders, ailments of the stomach, kidneys, liver, and eczema; and to bring a healthy appetite, to stimulate the flow of the bile, to aid the intestines and liver to healthful activity, to strengthen the entire system and assure peaceful sleep, and to cleanse the blood of waste and unclean material.

The Balsam for Lungs was alleged to be misbranded in that certain statements appearing in the label in English, German, Polish, and Hungarian, falsely and fraudulently represented the curative and therapeutic effectiveness of the article in the treatment of coughs, simple ailments of the throat, chest and lungs, and hoarseness; and its effectiveness in the treatment of lung and chest sickness, whooping cough, asthma, and other troubles connected with the breathing apparatus, bronchitis, and croup.

One lot of the Balsam for Lungs was alleged to be misbranded further in that the following statements appearing in the label were false and misleading, since they represented that the article contained 8 percent of alcohol and that it contained 3 minims or more of chloroform to each fluid ounce; whereas it did not contain 8 percent of alcohol nor 3 minims of chloroform to each fluid ounce, but did contain smaller amounts of alcohol and of chloro-