

run-down condition, and suspected of being infested with large round worms, feed one tablespoonful of this product per day until satisfactory results are noted. In this Treatment do not look for an expulsion of whole worms. Large round worms and tape worms, under this treatment, are generally expelled in emaciated form and should appear, in the feces, in the form of small particles of skins of the worms."

Misbranding was alleged further in that the statement, "Ingredients, Kamala, Nicotine, Powdered Tobacco, Castor Oil, Copper Sulphate, Linseed Oil Meal and Dried Yeast," was false and misleading when applied to an article that did not contain copper sulphate and did contain ferrous sulphate which was not declared; and in that the statement, "* * * allowing the mixture to stand at least 12 hours before feeding in order that the yeast may start to work," was false and misleading when applied to an article that contained no viable yeast cells.

On August 26, 1938, claimants Albert T. Peters and Paul S. Casey, trading as Vitaminal Products Co., 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.

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

29430. Misbranding of Vegetates. U. S. v. 34 Bottles of Vegetate Formula No. H-410 and 12 Bottles of Vegetate Formula No. A-45. Default decree of condemnation and destruction. (F. & D. Nos. 41337, 41339. Sample Nos. 50357-D, 50359-C.)

The labeling of these products bore false and fraudulent curative or therapeutic claims and other misrepresentations.

On January 11, 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 46 bottles of Vegetates at Chicago, Ill.; alleging that the articles had been shipped in interstate commerce on or about May 15 and November 10, 1937, from Los Angeles, Calif., by Vegetates, Inc.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the articles showed that they consisted essentially of plant material. Each tablet of formula No. H-410 contained phosphorus compounds equivalent to 0.03 grain of phosphorus, and each tablet of formula No. A-45 contained phosphorus compounds equivalent to 0.04 grain of phosphorus.

The articles were alleged to be misbranded in that the following statements on their respective labels were false and misleading, since if consumed in accordance with the directions, would supply only inconsequential amounts of phosphorus: (Formula No. H-410) "Compounded from ingredients of vegetable origin, selected and grown with particular regard to a high phosphorous * * * content. * * * Directions Adults: 2 to 3 tablets, 3 times a day"; (Formula No. A-45) "Compounded from ingredients of vegetable origin only, and are so processed and proportioned as to make available a high content of organic phosphorus. The vegetable ingredients * * * are all prolific sources of organic phosphorus. Directions Adults: Three or four tablets, three times a day."

Misbranding was alleged further in that the statement on the label, "This product is not intended for the treatment of disease but is a food adjuvant and tends toward the building of health," falsely and fraudulently represented the curative or therapeutic effect of the articles. Misbranding was alleged further in that the combinations of letters and numbers, "Vegetate Formula No. H-410" and "Vegetate Formula No. A-45," appearing on the respective labels of the articles were devices which falsely and fraudulently represented the curative or therapeutic effects of the articles, since the said combinations of letters and figures meant to purchasers that the articles were, respectively, treatments for high blood pressure and arthritis; and had attained such meaning to purchasers as a result of the following facts and circumstances: Booklets entitled "Wrong Diet The Curse of the Age," a supply of which was furnished by the consignor to the consignee and was distributed to customers and prospective customers, contained on page 31 the following statements: "H-410 * * * Blood Pressure (High)"; "A-45 * * * Arthro-Inflammation (Arthritic)." Moreover, the labeling theretofore [1935] used on the respective articles contained the following wording: "Vegetate Formula No. * * * H-410. A food recom-

mended as a dietary adjuvant in the reduction of Hypertension.”; “Vegetrate Formula * * * No. A-45 The Arthritic.”

On February 28, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29431. Misbranding of Dr. Ranoll's Tablets. U. S. v. 24 Packages of Dr. Ranoll's Indian Herb Tablets and 28 Packages of Dr. Ranoll's Indian Black Tablets. Default decree of condemnation and destruction. (F. & D. No. 42099. Sample Nos. 17123-D, 17124-D.)

The labeling of these products bore false and fraudulent curative and therapeutic claims and other statements which were false and misleading.

On April 1, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 52 packages of the above-named products at Grantsville, Md.; alleging that the articles had been shipped in interstate commerce on or about February 2, 1938, from Altoona, Pa., by the Suter Chemical Co.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the Herb Tablets consisted essentially of aloe, podophyllum, gentian, capsicum, and coating materials; and that the Black Tablets consisted essentially of methenamine, potassium nitrate, oil of juniper, and plant drugs including buchu, uva ursi, podophyllum, and an emodin-bearing drug.

Both products were alleged to be misbranded in that the word “Indian” in the name, and the picture of an Indian on the carton, were false and misleading since the said word and picture represented that the preparations consisted of ingredients employed by Indians, whereas they did not consist of ingredients employed by Indians; and in that the statement “Guaranteed * * * To comply with all the requirements of the Federal Food and Drug Act,” on the carton, was false and misleading since it created the impression that the articles had been examined and approved by the Government of the United States and that the Government guaranteed that they complied with the law and that they did so comply; whereas they had not been so approved and guaranteed and did not comply with the law.

Misbranding was alleged further in that the following statements in the labeling falsely and fraudulently represented the curative and therapeutic effectiveness of the articles: (Herb Tablets) “Recommended for Liver and Stomach Trouble Indigestion * * * Recommended for:—Stomach, Liver, and Bowel Trouble * * * & Indigestion, * * * Take * * * until they become regular and normal. * * * Recommended for:—Stomach, Liver, and Bowel Trouble, * * * & Indigestion, * * * is a Blood and Liver Medicine * * * They avoid Constipation by * * * acting directly on the liver. Moving the bile and cleaning up the liver of poisonous matter. * * * allowing no food to become sour and causing gas or sour stomach. * * * persons need * * * their liver regulated. * * * a sluggish liver are not only uncomfortable, but dangerous. Typhoid, appendicitis, piles, etc., are the result. Take no chances but help the liver and bowels to perform their work by using our Indian Herb Tablets. * * * is quickly assimilated by the * * * liver. They are recommended for sick headache, coated tongue, irregular * * * bowels, brown liver spots showing on the face by pimples”; (Black Tablets) “Recommended for weak kidneys, Inflammation of the bladder, Backache, and Children that wet the bed. * * * For Kidney and Bladder Trouble * * * are fine for children who have weak kidneys and wet the bed. * * * Pains in the back. Scanty urine. Too frequent to urinate. Depressed and tired feeling. Restless at night. Pain in the groins. Irritability. Aching limbs. Continuous thirst. Burning sensation. Backache or weak back. Irritation of the bladder, lumbago, pain in the head, pain across the kidneys, pain shooting through the limbs like rheumatism, all means weak kidneys and should be attended to at once, before they become serious. One of the principal ways leading to Brights Disease is kidney trouble not being looked after in time. Kidney disease breaks down the health of the whole body by the accumulation of uric acid in the blood. It is the duty of the kidneys to filter this, but when diseased, the kidneys cease to work and all the impure matter is thrown on the system and the whole system poisoned. Don't overlook this important organ if you have pains across the small of the back or any of the symptoms, take no chance.”

On May 4, 1938, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

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