cover was on the drum at the time and there was no evidence whatever that other parties than the employees of the Scotch-Tone Co. had access thereto, or that other tablets were mixed with these cold tablets. The manager of the Scotch-Tone Co. says that they had no other cold tablets on hand at that time, and that he did not believe that they had any other chocolate-coated tablets in drums of that size. The fact that the four Government chemists found as to acetanilid and quinine sulfate that these tablets were almost identical in their content and that they contained the ingredients demanded by the formula is substantial evidence that the cold tablets analyzed were from the drum shipped by appellant.

"The analyses of the Government chemists are attacked as incorrect. It is said that since the cold tablets contained a number of other ingredients, such as cascara sagrada, podophyllin, resin jalap, powdered camphor, oleoresin capsicum, and powdered starch, a strong interference necessarily arose which would greatly affect the accuracy of the analyses. However, three of the Government chemists, qualified experts, used methods of analysis which were not identical, and arrived at practically the same result. This is substantial evidence of the correctness of the analyses. The Government chemists all stated that the effect of the interfering factor on the result would be negligible. Moreover, three chemists, two witnesses for the Government and one for appellant, stated in effect that the presence of the interfering elements would tend to make the acetanilid content higher than it actually was. Since the adulteration found was a substantial deficiency in acetanilid and quinine sulfate, the error, if any, resulting from the presence of the interfering elements, would be favorable to appellant rather than prejudicial.

"There is substantial evidence supporting the conclusion of the district court that, with the 10 percent limit of tolerances in weight and medicinal content established by the National Formulary, these deficiencies are too great to avoid violation of the statute. While the formula stated the amount of acetanilid to be 1 grain and the amount of quinine sulfate 0.625 grain, the testimony of the Government experts showed acetanilid, 0.83 grain. 0.827 grain, 0.85 grain, and 0.84 grain. With reference to quinine sulfate the results were 0.56 grain, 0.54 grain, 0.555 grain, and 0.556 grain. Taking the highest result for acetanilid, 0.85 grain, this is a variation of 15 percent, well outside the 10 percent tolerance limits contended for.

"Since the statute (title 21, U.S.C., § 10) requires a specific statement as to content of acetanilid compounds, the intent of the company is not material. The long and reputable service of appellant has caused us to scrutinize this record with great care. We conclude that both on questions of fact and of law, the judgment of the district court was not erroneous.

"Judgment affirmed."

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

30627. Misbranding of D-D Disinfectant. U. S. v. Ten 1-Gallon Bottles of D-D Disinfectant. Default decree of condemnation and destruction. (F. & D. No. 42704. Sample No. 37358-D.)

The labeling of this veterinary product bore false and fraudulent curative and therapeutic claims.

On March 23, 1939, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 gallon bottles of D-D Disinfectant at Lexington, Nebr.; alleging that the article had been shipped in interstate commerce on or about November 19, 1938, by the United States Chemical Co. from Kansas City, Mo.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of a sodium hypochlorite solution.

The article was alleged to be misbranded in that the following statements appearing on the bottle label and in a booklet shipped with it were statements regarding its curative or therapeutic effects and were false or fraudulent: (Bottle) "To * * * Disinfect Cow's Udders and Flanks, spray or wash thoroughly with a solution containing 1 oz. D-D to each gallon of water. * * * To Disinfect the Hands: Use 2 Ounces D-D to a gallon of water. * * * Surface Skin Irritations: * * * Continue treatments until relief is obtained"; (booklet) "Clean premises help to prevent transmission of infectious poultry diseases. * * * D-D properly used, is a dependable and safe preventive for many infectious poultry diseases. * * * Use D-D

for spraying diseased birds at receiving station and immediately after they have been called out. Use D-D for spraying the poultry before sending them to the feeding station. Use D-D as a preventive, for spraying the healthy birds. * * * Roup and Colds. Preventive Measures:—As a preventive measure, * * * Do this for both the sick and the well birds. If cases of Roup appear, separate sick birds from the rest, and give them special treatment. * * * As a further aid in combatting Roup and Colds. * * * This practice helps to prevent the transmission of infectious diseases to baby chicks. * * * To * * * disinfect cows with D-D * * * To * * * Disinfect Cow's Udders and Flanks. * * * This * * * keeps the skin of the udder * * * healthy. * * * In the case of serious infection of any sort, the drinking water of the diseased cattle should be disinfected with double the amount of D-D used in the drinking water of the healthy cattle * * * not only disinfects the skin but also helps to keep the hands in good condition. * * * D-D as an Aid to Disease Prevention and Control * * * second, to prevent and control disease among herds. * * * heals animal tissues."

The label charged that the article was also adulterated and misbranded in violation of the Insecticide Act of 1910, reported in notice of judgment No. 1695 published under that act.

On June 13, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30628. Misbranding of Vegetrates. U. S. v. Vegetrates, Inc., and Joseph A. Sabol. Plea of guilty by corporation; plea of nolo contendere by individual. Fines: Corporation, $200; individual, $80. (F. & D. No. 42571. Sample Nos. 28438-C, 28439-C, 47567-C, 47569-C.)

The labeling of these products bore false and fraudulent curative or therapeutic claims and false and misleading representations regarding their composition.

On November 21, 1938, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Vegetrates, Inc., Los Angeles, Calif., and Joseph A. Sabol, president of said corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, within the period from on or about September 1 to on or about October 26, 1937, from the State of California into the States of New York and Ohio, of quantities of Vegetrates which were misbranded. The articles were labeled respectively: "Formula No. A–45 [or "H–410," "D–44," or "A–417"]."

Analyses of samples of the articles showed that they consisted essentially of plant material. Each tablet of Formula No. A–45 contained phosphorus compounds equivalent to not more than 0.04 grain of phosphorus, and each tablet of Formula H–410 contained phosphorus compounds equivalent to not more than 0.03 grain of phosphorus. Formula No. D–44 contained mineral constituents representing 0.09 grain of calcium, 0.06 grain of phosphorus, 0.003 grain of iron, 0.16 grain of sodium, 0.04 grain of magnesium, 0.08 grain of sulfur, and 0.11 grain of chlorine per tablet. Formula No. A–417 contained mineral constituents representing 0.10 grain of calcium, 0.04 grain of phosphorus, and 0.003 grain of iron per tablet.

The articles were alleged to be misbranded in that the following statements on their respective labels were false and misleading in that they represented that the articles contained available minerals in sufficient amount to be of significance and importance when consumed in accordance with the directions; whereas the articles if consumed in accordance with the directions, would supply only slight amounts of the minerals named in the labels: (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"; (Formula No. H–410) "Compounded from ingredients of vegetable origin, selected and grown with particular regard to a high phosphorus content. Directions Adults: 2 to 3 tablets, 3 times a day"; (Formula No. D–44) "Compounded from ingredients of vegetable origin, and are 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"; and (Formula No. A–417) "Compounded from ingredients