

of vegetable origin, grown and selected for their high organic mineral content. Directions Adults: Three or four tablets, three times a day."

Misbranding was alleged further in that the following statement on the labels of Formulas No. A-45, No. H-410, and No. D-44, falsely and fraudulently represented the curative or therapeutic effects of said articles: "This product is not intended for the treatment of disease but is a food adjuvant and tends toward the building of health." Misbranding was alleged further in that the coined and fanciful names, i. e., "Vegetrate Formula No. A-45," "Vegetrate Formula No. H-410," "Vegetrate Formula No. D-44," and "Vegetrate Formula No. A-417," appearing on the respective labels of the articles, were devices which falsely and fraudulently represented their curative or therapeutic effects, since the said coined and fanciful names meant to purchasers that the articles were effective, respectively, as treatments for arthritis, high blood pressure, diabetes, and asthma; that said articles had attained such meanings 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: "A-45 * * * Arthro-Inflammation (Arthritic)"; "H-410 * * * Blood Pressure (High)"; "D-44 * * * Carbohydrate Tolerance (Diabetic)"; and "A-417 * * * Respiratory Irritations (Asthmatic)." Moreover, the labeling theretofore [1935] used on the respective articles contained the following wording: "Vegetrate Formula No. A-45 The Arthritic"; "Vegetrate Formula No. H-410 A Food Recommended as a Dietary Adjuvant in the Reduction of Hypertension"; "Vegetrate Formula No. D-44 Highly Valuable as a Food Adjuvant for the Diabetic"; and "Vegetrate Formula No. A-417 A Food Concentrate Recommended Highly as a Nutritional Adjuvant in the Dietary Care of the Asthmatic Hay Fever."

On April 27, 1939, a plea of guilty having been entered on behalf of Vegetrates, Inc., and a plea of nolo contendere having been entered by Sabol, the court imposed fines of \$200 against the corporation and \$80 against the individual.

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

30629. Misbranding of hospital cotton. U. S. v. Seven Cases of Hospital Cotton. Default decree of condemnation and destruction. (F. & D. No. 45294. Sample No. 33781-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of the examination, it was found to be contaminated with viable micro-organisms.

On May 9, 1939, 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 seven cases of hospital cotton at Baltimore, Md.; alleging that the article had been shipped in interstate commerce on or about April 6, 1939, from Columbia, S. C., by New Aseptic Laboratories; and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the label statement "Blue Ribbon Hospital Cotton" was false and misleading since it created the impression that the cotton was of high quality and was suitable for hospital use; whereas it was not of high quality and was not suitable for hospital use in that it was contaminated with viable micro-organisms.

On May 31, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30630. Adulteration and misbranding of prophylactics. U. S. v. 123 Gross of Prophylactics. Default decree of condemnation and destruction. (F. & D. No. 45231. Sample No. 47427-D.)

Samples of this product were found to be defective in that they contained holes.

On April 25, 1939, 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 123 gross of prophylactics at Baltimore, Md.; alleging that the article had been shipped in interstate commerce on or about February 28 and March 15, 1939, from Akron, Ohio, by Bengor Products Co.; and charging adulteration and misbranding in violation of the