

keeping the sheath and yard clean, Sore Mouth, Sponging the Nostrils in Acute Catarrh, Ringworm, and various other diseases. Don't neglect your stock when they can be so readily relieved with Fritch's Famous Vegetable Soap, [under heading 'Physicians Everywhere Endorse it'] For Healing * * * sores, facial blemishes, etc. Fritch's Famous Vegetable Soap cannot be surpassed. * * * I have found Fritch's Famous Vegetable Soap one of the best aids in curing old sores and skin diseases."

On April 7, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17161. Adulteration and misbranding of acidophilus bacillus cultures. U. S. v. 34 Bottles of Pure Living Cultures of Acidophilus Bacillus Liquid. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24590. I. S. No. 027531. S. No. 2947.)

On March 6, 1930, 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 of the United States for said district a libel praying seizure and condemnation of 34 bottles of cultures of acidophilus bacillus liquid, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the H. K. Mulford Co., from Philadelphia, Pa., on or about February 6, 1930, and transported from the State of Pennsylvania into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it contained no viable lactobacilli.

It was alleged in the libel that the article was adulterated in that it was sold under the following standard of strength, (bottle label) "Pure Living Cultures Acidophilus Bacillus Liquid," (carton label) "Acidophilus Bacillus Liquid A whey culture of B. Acidophilus * * * Each cc contains approximately 50 million organisms at the time of sale," and (circular) "Acidophilus Bacillus * * * The Mulford Acidophilus Bacillus products are viable cultures of high bacterial content, containing authentic strains of the organism, viz., *B. acidophilus*. The liquid cultures, owing to their inhibitory power against other organisms * * * Acidophilus Bacillus is marketed in liquid cultures containing at least 50 million viable Acidophilus bacilli per cc at the time of sale * * * Acidophilus Bacillus Liquid Pure living culture of *Lactobacillus acidophilus*," and the strength of the article fell below such professed standard, in that it contained no viable lactobacilli.

Misbranding was alleged for the reason that the above-quoted statements borne on the labels were false and misleading, since the article contained no viable lactobacilli. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the name of another article, namely, "Acidophilus Bacillus Liquid A whey culture of B. Acidophilus." Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative or therapeutic effects of the article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Physicians desiring to prescribe an easily digested milk diet will find these cultures of value given with the milk * * * As a preventative of intestinal fermentation and putrefaction;" (circular) "For the Prevention and Treatment of Toxic Conditions Due to Intestinal Putrefaction * * * The liquid cultures, owing to their inhibitory power against other organisms * * * Bacillus acidophilus is indicated in the treatment of constipation, diarrhea, mucous colitis and intestinal toxemias. * * * The beneficial effects produced by Acidophilus Bacillus Liquid * * * physicians supplement the oral use of Mulford Acidophilus Bacillus Blocks by prescribing high enemas containing Acidophilus Liquid Mulford * * * with the * * * aim of * * * implanting B. acidophilus. * * * Mulford Acidophilus Liquid lends itself to colonic implantation. For each treatment the contents of the 100 cc bottle will suffice."

On March 25, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*