

Misbranding was alleged in that the statement on the label, "Each gram contains not less than * * * 150 U.S.P. X (1934) Vitamin 'D' units * * * when biologically assayed," was false and misleading.

On January 27, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

30236. Misbranding of Elmi Electro Mineralized Water. U. S. v. 51 Bottles of Elmi Electro Mineralized Water. Default decree of condemnation and destruction. (F. & D. No. 43197. Sample No. 21473-D.)

The labeling of this product bore false and fraudulent statements and designs regarding its curative and therapeutic properties. It also was labeled to create the misleading impression that it possessed peculiar electrical properties.

On August 5, 1938, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 51 bottles of Elmi Electro Mineralized Water at Fisher, Ill.; alleging that the article had been shipped in interstate commerce on or about May 6, 1938, by the Electro Mineral Co. from Detroit, Mich.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article was an artificially prepared mineral water containing approximately 0.7 percent of sodium sulfate, a small proportion of alkali, and negligible amounts of other mineral substances.

Misbranding was alleged in that the statements, "Electro Mineralized Water" and "Electro Mineral Company," borne on the bottle label, were false and misleading in that they represented that the article possessed peculiar electrical properties; whereas it did not possess peculiar electrical properties. It was alleged to be misbranded further in that the statement on the label, "Best of the World's Healing Spas," was a statement regarding its curative and therapeutic effects and was false and fraudulent. It was alleged to be misbranded further in that the combination of letters "Elmi," borne on the bottle label, was a statement, design, or device regarding its curative or therapeutic effects and had acquired such a meaning by reason of statements in circulars supplied to purchasers which combination of letters taken together with the statements in the circular, were intended to mean to the purchaser that the article was a treatment for rheumatism, indigestion, boils, decaying teeth, skin eruptions, pains in the joints, diabetes, and other ailments, and that it would afford material relief from all ailments no matter how serious or how obstinate; and were false and fraudulent since the article contained no ingredients capable of producing the effects claimed.

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

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

30237. Misbranding of Diatine and Betix. U. S. v. Scheidemann Remedy Co. and Emil H. Scheidemann. Pleas of nolo contendere. Fines, \$400. Payment suspended and defendants placed on probation for 5 years. (F. & D. No. 42613. Sample Nos. 47571-C, 8357-D.)

The labeling of these products bore false and fraudulent statements and devices regarding their curative and therapeutic effectiveness.

On January 3, 1939, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Scheidemann Remedy Co., a corporation, Milwaukee, Wis., and Emil H. Scheidemann, president of the corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about July 7, 1937, and January 6, 1938, from the State of Wisconsin into the States of Ohio and Illinois of quantities of Diatine and Betix, respectively, which were misbranded.

Analyses showed the composition of the products to be essentially the same and that they consisted of coarsely ground plant material composed mainly of juniper wood, bark, needles, and berries, and small quantities of uva-ursi and senna leaves.

The articles were alleged to be misbranded in that the package labels bore the following statements regarding their therapeutic or curative effects: "Diatine [or "Betix"] is * * * a palatable, stimulating * * * beverage that promotes elimination and assists in balancing the body chemistry"; that said statements represented that the articles were effective as treatments, remedies, or cures, for diabetes since they suggested, connoted, or represented