

On September 10, 1937, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 cans of Vita-Lac at Draper, Utah, alleging that the article had been shipped in interstate commerce on or about July 8, 1937, by the Taylor Milling Corporation from Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Vita-Lac \* \* \* Oak Park Creamery \* \* \* Pasadena, Calif."

Analysis showed that it consisted essentially of cereal products and buttermilk.

It was alleged to be adulterated in that it was mixed in a manner whereby inferiority was concealed.

It was alleged to be misbranded in that the statement "Vita-Lac Condensed Malted Buttermilk," on the label and in the circular, was false and misleading as applied to an article that consisted essentially of cereal products and buttermilk. It was alleged to be misbranded further in that the following statements borne on the label and similar statements appearing in the circular were statements regarding the curative or therapeutic effects of the article and were false and fraudulent: "For Quick Growing, Fattening and Higher Egg Production. For Baby Chicks—Vita-Lac has no equal as a starting feed. When added to the ration insures lower mortality, and produces strong, vigorous chicks," "For Fattening—Vita-Lac builds more weight, faster, at less cost," "For Laying Hens—Vita-Lac increases egg production and percentage hatchability," "For Pigs—Vita-Lac is an excellent conditioner and builder of bone and muscle," "The calcium is readily available to build bone and tissue," and "The Natural Lactic Acid in Vita-Lac is beneficial in the prevention and cure of coccidiosis and pneumonia; also helps to rid animals of worms, and stimulates digestion."

On January 14, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**28353. Misbranding of Butler's Cod Liver Oil Ointment. U. S. v. 32 Tubes of Butler's Cod Liver Oil Ointment. Default decree of condemnation and destruction.** (F. & D. No. 39926. Sample No. 34445-C.)

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

On July 2, 1937, 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 32 tubes of Butler's Cod Liver Oil Ointment at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 16, 1936, by the Anedemin Chemical Co. from Chattanooga, Tenn., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of petrolatum and fish oil.

It was alleged to be misbranded in that certain statements on the tube and in a circular shipped with it falsely and fraudulently represented that it was effective in the treatment of burns, wounds, ulcers, cuts, blood poisoning (septic process), surgical incisions and various skin affections, acne, infected wounds, fistula; and was effective to alleviate pain, to reduce fever, and to accelerate healing.

On December 11, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

**28354. Adulteration and misbranding of ether. U. S. v. 310 Cans of Ether (and three other seizures of the same product). Decrees of condemnation. Portion of the product released under bond for use for technical purposes; remainder ordered destroyed.** (F. & D. Nos. 40423, 40461, 41049, 41224. Sample Nos. 36440-C, 51678-C, 56586-C, 56879-C, 56880-C, 56881-C, 58012-C.)

Samples taken from these various lots of ether were found to contain benzaldehyde.

On October 5 and 11, 1937, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 840 cans of ether at New York, N. Y. On December 13, 1937, the said labels were amended. On December 9 and 23, 1937, libels were filed against 32 cans of