

it was represented to contain in each fluid ounce 8 grains of terpin hydrate; whereas in fact each fluid ounce of the article contained more than 8 grains of terpin hydrate, to wit, not less than 10.8 grains thereof. Said article was alleged to be misbranded in that the statement, "Each fluid ounce contains: Terpin Hydrate 8 grs.", borne on the label, was false and misleading in that it represented that each fluid ounce of the article contained 8 grains of terpin hydrate; whereas in fact each fluid ounce contained more than 8 grains of terpin hydrate.

On March 19, 1937, a plea of nolo contendere was entered on behalf of the defendant corporation and the court imposed a fine of \$100.

HARRY L. BROWN,
Acting Secretary of Agriculture.

27139. Misbranding and alleged adulteration of Seedol Kelpamalt and Kayan. U. S. v. 124 Cartons of Seedol Kelpamalt and Kayan. Default decree of condemnation and destruction. (F. & D. nos. 38470, 38471. Sample no. 3101-C.)

The Seedol Kelpamalt was misrepresented on the label and in accompanying printed matter to consist of malt extract, to have valuable diastatic content, and to consist exclusively of mineral ingredients; and accompanying printed matter contained false and fraudulent representations regarding its curative or therapeutic effects. The Kayan was misrepresented in accompanying printed matter as a granulated powder from the sap of an Asiatic tree; and accompanying printed matter contained false and fraudulent representations regarding its curative or therapeutic effect.

On November 2, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 124 cartons of Seedol Kelpamalt and Kayan at Los Angeles, Calif., alleging that they had been shipped in interstate commerce on or about July 25, 1936, by Allied Laboratories, from New York, N. Y., and that they were adulterated and misbranded in violation of the Food and Drugs Act as amended.

Analysis of the Seedol Kelpamalt showed that it consisted essentially of ground kelp, cocoa, sugars, salt, and small proportions of inorganic salts and saccharin. Analysis of the Kayan showed that it consisted essentially of phenolphthalein (approximately 1.2 grains per teaspoonful), a gum, sugar, and starch.

The Seedol Kelpamalt was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, (on labels and accompanying printed matter) "Kelpamalt" (on the bottle label), "Seedol Kelpamalt consists of * * * Malt Extract" and (in an accompanying booklet) "Dried malt extract with its valuable diastatic content * * * diastatic malt with its rich enzyme * * * for the prompt digestion of starch. * * * Kelpamalt supplies the enzyme, diastase", in that it did not consist of malt extract, did not have valuable diastatic content, and contained no diastatic malt with its rich enzyme. Said article was alleged to be misbranded (1) in that the name "Kelpamalt" and the statement "Seedol Kelpamalt consists of * * * Malt Extract", borne on the labels, were false and misleading because it did not contain malt extract; and (2) in that the statement, "A New Mineral Concentrate from the Sea", contained in an accompanying booklet, and the statement "try this truly amazing mineral concentrate", contained in an accompanying circular, were false and misleading in that the article contained ingredients other than minerals. Said article was alleged to be misbranded further in that statements regarding its curative or therapeutic effect, contained in an accompanying booklet and circulars and other printed matter, falsely and fraudulently represented that it was capable of producing the effects, among others, claimed in said statements in substance and effect as follows: That the article would be effective to aid or promote nutrition, to cause or produce gain or increase in weight, to improve the general physical condition, and to improve the appetite and digestion; effective as a body builder and weight builder, and to supply the system with minerals lacking in foods; effective to feed starved glands and to build red blood, to cause permanent gain in flesh, to steady the nerves, to increase the energy, to supply glands with the necessary and adequate iodine and to cause them to function properly, and to promote assimilation and metabolism; effective as a cure or remedy for, or for the relief or treatment of, the weak, the skinny, the run-down, the tired-out, the worn-out, the nervous, the haggard, the pale, and the sickly and ailing,

stomach troubles, disorders, and distress, acid stomach, sick stomach, distress after eating, gas and gas pains and bloating, digestive troubles and disturbances, indigestion, intestinal troubles and disturbances, liver trouble, constipation, loss and lack of appetite, bad breath, headache, dizziness, sleeplessness, irritability, nervousness, skin troubles colds, loss of and deficient and diminished weight, goiter, toxic goiter, defective functioning of glands, blood and glandular ailments, loss and lack of strength, energy, and vitality, run-down constitution, worn-out nerves, anemia, female ailments and disorders, and abnormal and painful menstruation.

The Kayan was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, (in an accompanying circular) "A granulated powder from the sap of an Asiatic tree—Kayan", in that the article was not a granulated powder from the sap of an Asiatic tree (Kayan) but consisted essentially of phenolphthalein, a synthetic coal-tar cathartic, a gum, sugar, and starch. Said article was alleged to be misbranded in that statements regarding its curative or therapeutic effect, contained in an accompanying circular, falsely and fraudulently represented that it was capable of producing the effects claimed, among others, in said statements in substance and effect as follows: That the article would be effective to relieve and cure constipation and to relieve and prevent the conditions incident thereto and symptomatic thereof, such as distension of the colon, intestinal fermentation, gas in the stomach, toxemia and auto-intoxication, headaches, stomach acid, and pains around the heart.

On February 1, 1937, no claimant having appeared, the court adjudged and decreed the articles to be condemned as misbranded, and ordered their destruction.

HARRY L. BROWN,
Acting Secretary of Agriculture.

27140. Adulteration of Nowland's Direct Application Tincture of Iodine. U. S. v. The George H. Nowland Co. Plea of guilty. Fine, \$40. (F. & D. no. 38608. Sample nos. 68862-B, 69239-B.)

This product differed from the standard for tincture of iodine as prescribed in the United States Pharmacopoeia.

On February 25, 1937, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the George H. Nowland Co., Cincinnati, Ohio, charging shipment by said corporation in violation of the Food and Drugs Act, on or about November 19, 1935, and January 2 and February 5, 1936, of quantities of Nowland's Direct Application Tincture of Iodine that was adulterated.

The article in the consignments of November 19, 1935, and February 5, 1936, was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia official at the time of investigation of the article, in that it contained not less than 12.87 grams of iodine and not less than 9.6 grams of potassium iodide per 100 cubic centimeters; whereas said pharmacopoeia provided that tincture of iodine should contain not more than 7.5 grams of iodine, and not more than 5.5 grams of potassium iodide per 100 cubic centimeters, and the standard of strength, quality, and purity of the article was not declared on the container.

The article in the consignment of January 2, 1936, was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity, as determined by the test laid down in said pharmacopoeia official at the time of investigation of the article, in that it contained not more than 5.57 grams of iodine and not more than 4.04 grams of potassium iodide per 100 cubic centimeters; whereas said pharmacopoeia provided that tincture of iodine should contain not less than 6.5 grams of iodine and not less than 4.5 grams of potassium iodide per 100 cubic centimeters, and the standard of strength, quality, and purity of the article was not declared on the container.

On March 2, 1937, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of \$40.

HARRY L. BROWN,
Acting Secretary of Agriculture.