branded further in that the statement "2 Fld. Ozs.", appearing on the package, and the statement "2 ozs.", appearing on the label of the container, were false and misleading when applied to the packages of an article, each of which contained less than 2 fluid ounces thereof.

On September 23, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

26752. Adulteration and misbranding of Lacta Kaolin Plain and Lacta Kaolin Laxative. U. S. v. 8 Cartons of Lacta Kaolin Plain and 8 Cartons of Lacta Kaolin Laxative. Default decree of condemnation and destruction. (F. & D. nos. 37655, 37656. Sample nos. 57024–B, 57025–B.)

Both products were described in an accompanying booklet as articles of food and it was represented on the labels that they could be taken freely without harmful effect, when they contained kaolin (clay), which had no food value, and they could not be taken freely as food without harmful effect; and the labels, an accompanying leaflet, and a booklet bore and contained false and fraudulent representations regarding the curative or therapeutic effect of the articles in the treatment of intestinal diseases. The Lacta Kaolin Laxative also was represented on the labels as a combination of lactose and kaolin, with the addition of 2 percent of agar-agar, flavored with cocoa, when it also contained phenolphthalein, a drug.

On April 29, 1936, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 8 cartons of Lacta Kaolin Plain and 8 cartons of Lacta Kaolin Laxative at Detroit, Mich., alleging that the articles had been shipped in interstate commerce on or about February 15, 1936, by the Alpha Laboratory, Inc., from Chicago, Ill., and that they were adulterated and misbranded in violation of the Food and Drugs Act.

Analysis showed that the Lacta Kaolin Plain consisted essentially of lactose, kaolin, agar, and cocoa; and that the Lacta Kaolin Laxative consisted essentially of lactose, kaolin, agar, cocoa, and phenolphthalein.

Both of the articles were alleged to be adulterated: (1) In that a nonfood substance, kaolin (clay), had been mixed and packed with them so as to reduce and lower and injuriously affect their quality and strength; and (2) in that a nonfood substance, kaolin (clay), had been substituted wholly or in part for a food, which each of the articles purported to be by reason of the statements contained in a booklet enclosed in the shipping packages, "Lacta-Kaolin (Alpha) is not a medicine. It is a food * * * being a food * * * when mixed in hot water this becomes a tasty 'chocolate drink'." Both of the articles were alleged to be misbranded in that the statements contained in the said booklet, "Lacta-Kaolin (Alpha) is not a medicine. It is a food * * * being a food * * * when mixed in hot water this becomes a tasty 'chocolate drink'", and the statement appearing on the labels, "Lacta Kaolin is absolutely harmless and can be taken freely", were false and misleading. Both were alleged to be misbranded further in that statements regarding their curative or therapeutic effects, on the carton labels and in a leaflet and booklet enclosed in the shipping packages, falsely and fraudulently represented that they were capable of overcoming intestinal putrefaction and restoring and establishing an aciduric, antiputrefactive intestinal flora; were capable of curing halitosis, or bad breath, originating in the gastro-intestinal tract; were capable of protecting or preserving the general health by changing the intestinal flora and keeping the colon free from germs of putrefaction; were capable by their action in the colon, of rendering putrefactive germs impotent and incapable of doing further harm and of checking putrefaction, reducing gas, stopping reabsorption of poisons into the blood, and cleansing the colon of the putrid germs; were capable of reducing the effects of putrefaction, of causing normal excretions from the bowels, of effecting freedom from gas, and of causing clear skin and mental alertness; were effective in the treatment of many forms of stomach and bowel trouble and constipation.

The Lacta-Kaolin Laxative was alleged to be misbranded further in that the statements, "Lacta-Kaolin Laxative", "With Addition of 2% Agar-Agar and Deliciously Flavored with Finest Grade Cocoa", and "Lacta-Kaolin is a combination of Lactose and Kaolin", borne on the label, were false and misleading, since it contained phenolphthalein.

On June 16, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*