

joints, irregular and imperfect teeth. To both child and adult they afford a valuable means of building resistance, and aid in the treatment of run-down conditions, debility, and convalescence. Merrell's Cod Liver Oil Concentrate Tablets provide plenty of the important vitamins A and D in a pleasant little tablet, free from oil or nauseating fats."

On March 13, 1935, the case having come on to be heard and the intervenor, the Wm. S. Merrell Co., having failed to appear at the hearing, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**24502. Adulteration and misbranding of cereal meal. U. S. v. The Cereal Meal Corporation. Plea of nolo contendere. Fine, \$270 and costs.** (F. & D. no. 29411. I. S. nos. 12147, 12245, 21902, 24692, 24706, 28526.)

This case was based on various shipments of cereal meal which was adulterated under the provisions of the Food and Drugs Act applicable to food because it contained added agar. It was also misbranded under the provisions of the act applicable to food, since agar is a drug and the product was labeled as containing no drug; and was further misbranded under the provisions of the act applicable to drugs because of unwarranted curative and therapeutic claims in the labeling.

On March 31, 1933, the United State attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Cereal Meal Corporation, trading at St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act as amended, on or about September 16, 1930, February 6, February 28, June 17, June 18, and July 10, 1931, from the State of Missouri into the States of California, Illinois, Massachusetts, and Colorado of various consignments of cereal meal which was adulterated and misbranded.

Samples of the product analyzed by this Department were found to consist essentially of wheat bran, wheat shorts, linseed meal, and agar-agar.

The article was alleged to be adulterated under the provisions of the act applicable to food in that agar, a drug substance, had been substituted in part for cereal meal which the article purported to be.

The article was also alleged to be misbranded under the provisions of the act applicable to food in that the statements, "Cereal Meal \* \* \* It contains no drug \* \* \* Contains No Drugs", borne on the label, were false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the said statements represented that the article was cereal meal containing no drugs, whereas it contained agar, a drug defined in the United States Pharmacopoeia. Misbranding was alleged for the further reason that the article was composed in part of agar and was offered for sale under the distinctive name of another article, cereal meal.

Misbranding was charged under the provisions of the law applicable to drugs in that certain statements appearing on the carton and in a circular shipped with the article, regarding its curative and therapeutic effect, falsely and fraudulently represented that it was effective as a remedy, treatment, and cure in attaining ideal health, in eradicating constipation and evils resulting therefrom; effective as a treatment for relieving, in the first 24 hours, indigestion, gastro-intestinal disorders and the many wretched conditions and symptoms that invariably accompany constipation; effective as a remedy, treatment, and cure in stubborn, long-standing cases of constipation; effective as a remedy, treatment and cure for the vast majority of cases of constipation, thus relieving much indigestion, chronic appendicitis, and mucous colitis due thereto, effective in stimulating to action the glands along the bowel; effective in restoring nature to her perfect work by restoring normal nerves and blood supply; as a diet, effective as a remedy, treatment, and cure in relieving of chronic appendicitis—in most cases—those who suffer therefrom, by relieving the bowel of fecal masses and irritative gases; effective in increasing the secretory powers of the stomach and intestinal glands and in decreasing fermentation and gas formation, thus relieving many forms of indigestion; effective as a remedy, treatment, and cure for mucous colitis—a catarrhal condition of the large intestine—by cleaning out the mucus, clearing the bowel and aiding the mucous membrane of the colon to return to normal; effective in nourishing the tissues, aiding glandular action, stimulating the nerve endings and in giving strength; effective as a remedy, treatment, and cure for children's dis-

eases caused by constipation; effective as a preventive of disease; and that the eating of said article was the effective way back to health.

On March 25, 1935, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed a fine of \$270 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

**24503. Alleged adulteration and misbranding of Brewster's Germ Destroyer and Brewster's G. D., formerly called Germ Destroyer; and alleged misbranding of Brewster's Throat Wash, Brewster's Throat-Eaz and Brewster's Liver Tonic. U. S. v. Jefferson Reese Brewster (Brewster Laboratories). Tried to a jury. Verdict of not guilty.** (F. & D. no. 30288. I. S. nos. 17084, 18331 Sample no. 13441-A.)

On December 19, 1933, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Jefferson Reese Brewster, trading as the Brewster Laboratories, Nashville, Tenn., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about January 22, February 18, and September 12, 1932, from the State of Tennessee into the States of Alabama and Kentucky of quantities of Brewster's Germ Destroyer, Brewster's G. D., Brewster's Throat Wash, Brewster's Throat-Eaz, and Brewster's Liver Tonic, charging adulteration and misbranding of the products as hereinafter set forth.

Analyses showed that Brewster's Germ Destroyer and Brewster's G. D. consisted essentially of light petroleum oil, a saponifiable oil and a small proportion of turpentine oil; the samples tested by this Department did not destroy germs. Analyses of the remaining products showed that the Throat Wash consisted essentially of a fixed oil, light petroleum oil, a small proportion of turpentine oil and a trace of ferric chloride; that the Throat-Eaz consisted essentially of light petroleum oil, a fixed oil, a small proportion of turpentine, and a trace of potassium iodide; and that the Liver Tonic consisted essentially of a fixed oil and light petroleum oil.

The information alleged that the Germ Destroyer and the G. D. were adulterated in that their strength and purity fell below the professed standard and quality under which they were sold in that the former was represented to be a germ destroyer and the latter was represented to be a germ destroyer and practical germicide; whereas they were not as represented.

Misbranding of the Germ Destroyer and G. D. was alleged in that the statement "Germ Destroyer" with respect to the former and the statements, "G. D. Formerly called Germ Destroyer" and "Recommended as a Practical Germicide" with respect to the latter, borne on the labels, were false and misleading.

Misbranding was alleged with respect to all products in that certain statements in the labeling falsely and fraudulently represented that the Germ Destroyer was effective as a treatment for tuberculosis of the lungs, tuberculosis of the bones, and asthma; that the G. D. (one shipment) was a treatment, remedy, and cure for tuberculosis of the lungs, as a preventive of tuberculosis; as a treatment for cancer, tuberculosis of the bone or any kind of sore on the body, as a treatment, remedy and cure for asthma and as a relief for pain anywhere about the body; that the Throat Wash was effective as a treatment for tonsillitis, chronic throat trouble and other throat troubles; that the Throat-Eaz was effective as a treatment, remedy and cure for coughs and croup, as a relief for coughing spells and to quiet the nerves, and effective to regulate periods in women; and that the Liver Tonic was effective as a liver tonic, as a treatment for nervous indigestion, as effective to keep the blood circulating, the stomach in good condition and the appetite good, as effective as a preventive of tuberculosis, as effective when taken in connection with Brewster's G. D. as a preventive of tuberculosis, and as effective to assist nature in carrying off the germs as they are destroyed.

On October 6, 1934, the case having come on for trial before a jury, a verdict of not guilty was entered.

M. L. WILSON, *Acting Secretary of Agriculture.*

**24504. Misbranding of Bio Prepared Salt. U. S. v. Dr. William C. Yergin (The Temple Salatorium Co.). Plea of guilty. Fine, \$1 and costs.** (F. & D. no. 30336. Sample nos. 2878-A, 24627-A, 35099-A.)

This case was based on interstate shipments of a product sold as a drug, the labeling of which contained unwarranted curative and therapeutic claims.

On May 22, 1934, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the dis-