

then continue as before when this trouble should have disappeared. * * * about 3 months continued treatment is usually necessary for permanent results."

On August 29, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

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

23015. Misbranding of Alberty's Calcatine. U. S. v. 40 Dozen Packages and 30 Dozen Bottles of Alberty's Calcatine. Decrees of condemnation and forfeiture. Product released under bond to be re-labeled. (F. & D. nos. 33107, 33273. Sample nos. 69241-A, 2608-B.)

These cases involved shipments of Alberty's Calcatine, the labels of which contained unwarranted curative and therapeutic claims.

On July 23, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 dozen packages of Alberty's Calcatine at Philadelphia, Pa. On or about August 24, 1934, a libel was filed in the Northern District of Illinois, against 30 dozen bottles of Alberty's Calcatine at Chicago, Ill. It was alleged in the libels that the article had been shipped in interstate commerce, in part on or about September 26, 1933, by the Alberty Food Laboratories, and in part on or about January 27 and February 17, 1934, by U. S. Okey (a fictitious name used by the Alberty Food Laboratories), from Hollywood, Calif., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of milk sugar and small proportions of compounds of calcium and phosphorus. The total ash (inorganic material) yielded by the tablets was 0.04 milligram each.

The article was alleged to be misbranded in that the statements on the label, "Alberty's Calcatine Calcium elements combined in an organic form. * * * conditions growing out of lack of calcium in system", were false and fraudulent, since they created the impression that the article would supply the calcium needed in calcium-deficient conditions, when, as a matter of fact, the calcium furnished by the tablets, when taken in accordance with directions appearing on the label, viz: "Take 3 pellets every 2 hours for first 30 days then 3 pellets before meals", would be essentially inconsequential.

On October 11 and October 29, 1934, Thomas Martindale & Co., Philadelphia, Pa., and Adah Alberty, trading as Alberty's Food Laboratories, Hollywood, Calif., having appeared as claimants for the respective lots, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimants upon payment of costs and the execution of good and sufficient bonds, conditioned that it be relabeled under the supervision of this Department.

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

23016. Adulteration and misbranding of Alberty's German Herb Lax-Tonic. U. S. v. 9 Cartons, et al., of Alberty's German Herb Lax-Tonic. Decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. nos. 33108, 33274. Sample nos. 69242-A, 2609-B, 2612-B.)

These cases involved shipments of a drug preparation, the labeling of which bore unwarranted curative and therapeutic claims. The labeling was further objectionable since it contained false and misleading representations that the product was of German origin and that it was safe, noninjurious, and harmless; and since it was not composed of the ingredients listed in the alleged formula.

On July 23, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 7 dozen boxes of Alberty's German Herb Lax-Tonic at Philadelphia, Pa. On or about August 24, 1934, a libel was filed in the Northern District of Illinois against 9 cartons and 12 dozen cartons of the same product at Chicago, Ill. It was alleged in the libels that the article had been shipped in interstate commerce, from Hollywood, Calif., in part on or about September 26, 1933, by the Alberty Food Laboratories, into the State of Illinois, and in part on or about December 16, 1933, and February 17, 1934, by U. S. Okey, into the State of Pennsylvania, and that it was misbranded, and a portion was adulterated in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of anise, fennel, senna, althea, licorice, frangula, dog grass, equisetum, yarrow, and elder flowers.