

and cure for fever, biliousness, jaundice, stomach and liver trouble, bilious colic, cholera morbus, diarrhoea, liver complaints, indigestion and sick headache; effective to correct disturbed action of the excretory organs and to assist the removal of malarial poisons from the system; effective to exercise a decidedly beneficial effect on a torpid or functionally deranged liver; effective to remove bilious obstructions in the liver and bowels and to have a strengthening influence in the stomach and digestive organs; effective to promote digestion and assimilation of food; effective as an antiperiodic; the Eucaline Tonic Compound Regular was falsely and fraudulently represented to be effective as a treatment, remedy, and cure for chills and fever, malaria, dumb fever, enlarged spleen, la grippe and bad colds; effective as a treatment for general debility caused by malaria weakening the blood and system; effective as a blood and liver tonic; effective as a remedy for chronic chills and fever; and the Eucaline Tonic Compound Tasteless was falsely and fraudulently represented to be effective as a treatment, remedy, and cure for la grippe; effective as a remedy for fevers and bad colds; effective as a general restorative; effective to strengthen the system; and effective as a liver tonic.

On May 21, 1934, the defendant entered a plea of guilty and the court imposed a fine of \$250. On May 22, 1934, the fine was ordered suspended upon payment of costs.

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

**22580. Adulteration and misbranding of Vi-Te-Ma Stock Compound and Vi-Te-Ma Poultry Compound. U. S. v. 4 Cartons of Vi-Te-Ma Stock Compound, et al. Default decrees of condemnation and destruction.** (R. & D. nos. 29724, 30036, 30037, 30371, 30372, 30376, 30461, 30486, 30513, 30514, 30699, 30700, 30701, 30741, 30742, 31003, 31004, 31039, 31097, 31237, 32022. Sample nos. 13993-A to 13999-A, incl., 14078-A, 14093-A, 14094-A, 14097-A, 16850-A to 16853-A, incl., 18256-A, 18257-A, 18262-A, 19077-A, 30428-A, 30429-A, 30430-A, 32066-A, 32067-A, 35178-A, 35381-A, 35382-A, 37868-A to 37871-A, incl., 46241-A to 46244-A, incl., 46684-A, 46685-A, 57077-A, 57081-A to 57084-A, incl., 57086-A, 61887-A, 61888-A.)

These cases involved various drug preparations, sold as stock and poultry conditioners containing yeast and cod-liver oil. No yeast or cod-liver oil was detected in the samples examined. Examination further disclosed that they would not promote growth, fattening, and productivity of livestock and poultry as claimed, also that they contained no ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On January 3, 1933, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel (amended March 15, 1933), praying seizure and condemnation of four cartons of Vi-Te-Ma Stock Compound at Henderson, Ky. Between the dates of April 6, 1933 and February 26, 1934, libels were filed in district courts for the Northern District of Alabama, Northern District of Mississippi, Southern District of Mississippi, Western District of Virginia, Southern District of Indiana, Northern District of New York, Western District of Louisiana, and Eastern District of Virginia against various lots of Vi-Te-Ma Stock Compound and Vi-Te-Ma Poultry Compound within the jurisdiction of said courts. It was alleged in the libels that the articles had been shipped in interstate commerce from Fostoria and Tiffin, Ohio; that most of the shipments had been made by the Vi-Te-Ma Products Co., E. W. White, and C. L. Jones (in a few instances the name of the shipper does not appear in the record); that the shipments had been made during the period from August 16 to December 16, 1932; and that the articles were adulterated and misbranded in violation of the Food and Drugs Act as amended. Portions of the article were labeled: "Manufactured by the Vi-Te-Ma Products Co., Tiffin, Ohio."

Analyses of samples of Vi-Te-Ma Stock Compound by this Department showed that it consisted essentially of large proportions of calcium carbonate (40 percent), magnesium sulphate (50 percent), ferrous sulphate (8 percent), small proportions of sulphur and minute amounts of fenugreek, quassia, nux vomica, and potassium iodide. Analysis of samples of Vi-Te-Ma Poultry Compound by this Department showed that it consisted essentially of large proportions of magnesium sulphate (50 percent), calcium carbonate (44 percent), iron oxide (3.5 percent), and small proportions of sulphur, capsicum, quassia, and potassium iodide. No yeast or cod-liver oil was found.

It was alleged in the libels that the articles were adulterated in that their strength and purity fell below the professed standard under which they were sold, since they were represented to contain yeast and cod-liver oil; whereas

they contained no yeast or cod-liver oil. Misbranding was alleged for the reason that the labels bore false and misleading claims that the articles contained yeast and cod-liver oil, and would be of value to make feed more readily available and increase the production of milk, pork, eggs, poultry, etc. Misbranding was alleged for the further reason that the labels of the articles contained various false and fraudulent claims as to their effectiveness in the prevention of disease of animals and in the treatment of diseases of horses, cows, sheep, and hogs.

No claimant appeared for the property. Between the dates of June 14, 1933 and April 6, 1934, judgments were entered ordering that the products be destroyed.

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

**22581. Adulteration and misbranding of Vitamized Stock Compound and Vitamized Poultry Compound. U. S. v. 19 Packages of Vitamized Stock Compound, et al. Default decrees of destruction.** (F. & D. nos. 30505, 30506, 31005, 31007, 31033, 31037, 31038, 31602, 31662. Sample nos. 9097-A, 9098-A, 19080-A, 19081-A, 19083-A, 19084-A, 19085-A, 28201-A to 28204-A, incl., 41122-A, 41123-A, 43504-A, 43751-A, 57283-A, 57284-A.)

These cases involved alleged stock and poultry conditioners and remedies labeled as containing yeast and cod-liver oil. Examination showed that the articles contained no yeast or cod-liver oil; that they would not increase production of eggs and milk, pork, etc.; and contained no ingredients capable of producing certain curative and therapeutic effects as claimed.

On May 27, 1933, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 19 packages of Vitamized Poultry Compound and 19 packages of Vitamized Stock Compound at Annville, Ky. Between the dates of August 24 and December 4, 1933, libels were filed in the Federal district courts for the Northern District of New York, Southern District of Illinois, Western District of Pennsylvania, District of Maine, Northern District of Iowa, and Western District of Kentucky, against various quantities of the products at Newark Valley, N. Y., Bellflower, Ill., Titusville, Pa., Milo, Maine, Galva, Iowa, and Lewisburg, Ky., respectively.

It was alleged in the libels that the articles had been shipped in interstate commerce, the shipments covering the period from March 12, 1932 to June 2, 1933, from Tiffin and Fostoria, Ohio; that most of the shipments had been made by the Vitamized Products Co.; and that they were adulterated and misbranded in violation of the Food and Drugs Act as amended. Portions of the articles were labeled: "The Vitamized Products Co., Tiffin, Ohio."

Analyses of samples of the articles by this Department showed that the poultry compound consisted essentially of calcium carbonate and oxide (25 percent), magnesium sulphate (54 percent), iron oxide (3 percent), sulphur (3.67 percent), and minute amounts of capsicum, quassia, and potassium iodide; and that the stock compound consisted essentially of calcium carbonate and oxide (25 percent), magnesium sulphate (52 percent), ferrous sulphate (11 percent), sulphur (2.34 percent), and minute amounts of fenugreek, quassia, nux vomica, and potassium iodide. No yeast or cod-liver oil was found in either sample.

The libels charged that the articles were adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, since the labeling represented that they contained yeast and cod liver oil, whereas they contained no yeast or cod-liver oil.

Misbranding was alleged for the reason that the articles were variously labeled with false and misleading claims that they contained yeast, cod-liver oil, the essential vitamin and necessary minerals and (poultry compound) would aid egg production and cause rapid growth of poultry; (stock compound) make cows profitable, increase milk flow, cause rapid growth and aid in hog and sheep raising. Misbranding was alleged for the further reason that the articles were labeled with various false and fraudulent claims regarding their efficacy in the prevention and treatment of diseases of horses, cows, sheep, hogs, and poultry.

No claimant appeared for the property. Between the dates of September 9, 1933 and May 28, 1934, judgments of condemnation were entered and the products were ordered destroyed.

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