

21195. Adulteration and misbranding of National Stock Vigor and National Poultry Vigor. U. S. v. Thirteen 6-Pound Packages of National Stock Vigor, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29828. Sample nos. 26965-A, 26966-A.)

Examination of products involved in this case disclosed that the Stock Vigor would not increase production and profits, promote growth, and act as a general conditioner, and that the Poultry Vigor would not promote growth and increase production, which claims were made for the articles in the labelings. Examination further showed that the Stock Vigor contained no wormseed, and that the Poultry Vigor contained no cod liver oil, which were listed as ingredients, respectively, of the articles. The labels of both products also bore unwarranted curative and therapeutic claims.

On March 1, 1933, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of thirteen 6-pound packages and twenty-two 3-pound packages of National Stock Vigor and twenty-two 3-pound packages of National Poultry Vigor, at Tiffin, Ohio, alleging that the articles had been shipped in interstate commerce from Fort Laramie, Wyo., on or about November 21, 1932, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "National Stock Vigor [or "National Poultry Vigor"] * * * National Feeder's Corporation, Tiffin, Ohio."

Analyses of samples of the articles by this Department showed that the National Stock Vigor consisted essentially of calcium carbonate, magnesium sulphate, ferrous sulphate, sulphur, phosphates, and small proportions of nuxvomica, quassia, fenugreek seed, and traces of potassium iodide and chenopodium oil; and the National Poultry Vigor consisted essentially of calcium carbonate, magnesium sulphate, sulphur, and small proportions of iron oxide, capsicum, and quassia. Cod liver oil was not present in the National Poultry Vigor.

It was alleged in the libel that the articles were adulterated in that their strength and purity fell below the professed standard or quality under which they were sold, namely, (Stock Vigor) "Ingredients * * * Worm Seed"; (Poultry Vigor) "Ingredients * * * Cod Liver Oil."

Misbranding of the National Stock Vigor was alleged for the reason that the following statements appearing in the labeling were false and misleading, in view of the actual composition of the article: (Label) "Ingredients * * * Worm Seed * * * Vigor"; (leaflet) "Feed National Stock Vigor and Keep Your Live Stock in Perfect Condition * * * All Dairymen know that Success or Failure depends very largely upon a properly balanced ration. National Stock Vigor is highly concentrated and scientifically compounded in our own laboratory and makes, when added to common Salt, a balanced supplement for all Live Stock, * * * National Stock Vigor stimulates an appetite, promotes digestion and if fed regularly and according to directions will show an increased production * * * All Cattle will show a handsome profit if properly bred, housed, protected, and given a properly balanced ration. Constantly increased production is demanded and cattle raisers are seeking higher concentrates, so rich in proteins and carbo-hydrates, while but little attention has been paid to essential drugs and minerals that are really required to make a properly balanced ration. These elements are all supplied in proper ratio in this new and very highly concentrated product—Feed National Stock Vigor * * * National Stock Vigor shows a larger per cent of profit when feeding to hogs than any other live stock, as it assists in promoting the growth and earlier development; * * * The Horse * * * He should never be allowed to become unthrifty. National Stock Vigor Is a scientific product in concentrated form * * * causing a smooth, glossy coat and staying qualities, very beneficial in growing and fattening live stock * * * keeps them in good spirits" (white leaflet entitled "Sales Introduction") "Mr. Stockowner, if we can prove to you that we can protect every head of the stock you own without any extra cost to you, would you be interested?" Misbranding of the National Stock Vigor was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent: (Label) A cut showing a hog full of worms with the legend "Worms Kill Hogs"; (coupon) "I hereby agree to use National Stock Vigor according to direction printed on package to justify the free use of a veterinary surgeon for diseases contracted after one month of consecutive feeding"; (leaflet) "The most common diseases among sheep are derangement

of the stomach, liver and bowels. * * * This will invigorate the stomach, liver and bowels, and in a majority of cases cause a speedy recovery. It aids in removing worms, * * * The most troublesome worms in sheep are the small threadlike worms which infest the stomach and sometimes enter the bowels, causing great prostration, loss of flesh, diarrhoea, etc. Feed National Stock Vigor regularly which will not only assist in preventing and curing worms but acts as a tonic to the stomach and bowels, correcting many disorders due to faulty digestion and thereby paying a nice profit. Yes. Worms Kill Hogs, but National Stock Vigor assists in Preventing Worms: Worms Kill Hogs * * * One-half Cent per day per head keeps your live stock well! 'We pay All Veterinary Bills If your Stock Becomes Sick After Thirty Days Feeding of our National Stock Vigor under our Veterinary Certificate, * * * prevent many of the common ailments to which the overworked cow is subject. * * * The Hog is not subject to many diseases but those to which he is susceptible are generally speaking malignant, epidemic or contagious diseases of a serious nature, and the successful hog raiser bends every energy to keep his herd in good, healthy condition to insure himself against loss from preventible diseases. Under any circumstances don't wait until your stock becomes sick. Use National Stock Vigor regularly and protect yourself against possible loss from hog diseases. * * * naturally more common diseases among hogs are materially reduced. * * * promotes the digestion. * * * National Stock Vigor contains all the essential elements needed to build up an animal from a diseased condition, and is recommended for all diseases of the stomach, kidneys and urinary organs, loss of appetite, vital energy, and all diseases arising from impure blood. * * * and produces a general tonic effect"; (service certificate) "This is to Certify, That National Feeder's Corporation, of Tiffin, Ohio, * * * does hereby agree to furnish a Veterinary Surgeon absolutely free when his stock becomes sick from any disease."

Misbranding of the National Poultry Vigor was alleged for the reason that the following statements appearing in the labeling were false and misleading: (label) "Ingredients * * * Cod Liver Oil * * * For Production of Eggs"; (leaflet) "National Poultry Vigor is highly concentrated which makes it inexpensive in keeping your fowls healthy: promotes growth as well as production. * * * It supplies the elements necessary to build the body of the fowl for continuous peak production." Misbranding of the National Poultry Vigor was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent: (Label) "For Sick Fowls:—Separate the sick fowls from those not already affected and give one tablespoonful daily for every 10 fowls"; (leaflet) "* * * which makes it inexpensive in keeping your fowls healthy."

On June 5, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

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

21196. Adulteration and misbranding of National Yeastolized Medicated Salt and National Yeastolized Poultry Tonic. U. S. v. Ten 15-Pound Packages of National Yeastolized Medicated Salt, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29239. Sample nos. 15392-A, 15393-A.)

This case involved an interstate shipment of medicated salt and poultry tonic which were represented to contain yeast and cod liver oil. Examination showed that the products contained neither yeast nor cod liver oil.

On November 17, 1932, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of ten 15-pound packages and twenty 25-pound packages of National Yeastolized Medicated Salt and twenty 15-pound packages of National Yeastolized Poultry Tonic at Tiffin, Ohio, alleging that the articles had been shipped in interstate commerce on or about January 18, 1932, by Voris Mathers, from Fairfield, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act.

Analyses of samples of the articles by this Department showed that the National Yeastolized Medicated Salt consisted essentially of common salt with small proportions of other mineral matter and fenugreek; and that the National Yeastolized Poultry Tonic consisted essentially of calcium carbonate and other mineral matter and a small proportion of an iodine. Yeast and cod liver oil were not present in either article.