

aspirin tablets at Allentown, Pa., alleging that the article had been shipped in interstate commerce on or about February 23, 1933, by the Mills Sales Co., New York, N.Y., and charging adulteration and misbranding in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that its strength fell below the professed standard under which it was sold, namely, (bottle label) "Tablets Aspirin Acetyl Salicylic Acid Five Grains."

Misbranding was alleged for the reason that the statement on the label, "Tablets Aspirin Acetyl Salicylic Acid Five Grains", was false and misleading.

On May 31, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

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

21201. Adulteration and misbranding of Vitamized Stock Compound and Vitamized Poultry Compound, Vi-Te-Ma Stock Compound, Vi-Te-Ma Poultry Compound, and Yeastolized Medicated Stock Salt. U. S. 25 6-Pound Packages, 335 Three-Pound Packages of Vitamized Stock Compound, et. al. Default decrees of destruction entered. (F. & D. nos. 29023 to 29035, incl., 29246, 30374. Sample nos. 29691, 29692, 29693, 29694, 29824, 29827, 29832, 29976, 30374. Sample nos. 13423-A to 13435-A, incl., 15366-A to 15375-A, incl., 15377-A to 15386-A, incl., 15390-A, 15391-A, 15394-A, 15395-A, 15398-A, 15399-A, 15400-A, 26726-A to 26747-A, incl., 26967-A, to 26970-A, incl., 26972-A, 26973-A, 27046-A, 27047-A, 35108-A, 35109-A.)

These cases involved a large number of shipments of Vitamized Stock Compound and Vitamized Poultry Compound. There were also included in the cases a few lots of Vi-Te-Ma Stock Compound and Vi-Te-Ma Poultry Compound and one lot of Yeastolized Medicated Stock Salt. The articles were represented to be stock and poultry conditioners containing yeast and cod-liver oil. Examination failed to detect any appreciable amount of yeast or cod-liver oil in any of the samples; in many samples neither yeast nor cod-liver oil was found. Certain circulars, leaflets, coupons, etc., one or more of which were shipped with most of the lots, as well as statements on the carton labels of portions of the articles, bore claims that they would aid production, increase profits, etc.; whereas they were valueless for such purposes. The labels in the greater number of the shipments of the Vitamized Stock and Poultry Compounds and the Vi-Te-Ma Stock and Poultry Compounds also bore unwarranted curative and therapeutic claims.

On October 14, 1932, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of ninety-six 3-pound packages of Vitamized Stock Compound and seventy-two 3-pound packages of Vitamized Poultry Compound, in part at Russell Springs, Ky., and in part at Horse Shoe Bottom, Ky., alleging that the articles had been shipped in interstate commerce by the Vitamized Products Co., from Fostoria, Ohio. On October 13, 1932, the United States attorney for the Eastern District of Kentucky filed libels against twenty-five 6-pound and three hundred and thirty-five 3-pound packages of Vitamized Stock Compound and one hundred and sixty-seven 3-pound packages of Vitamized Poultry Compound, in various lots at Paris, Irvine, Old Landing, Nathanton, and Barbourville, Ky., which had been shipped in interstate commerce by the Vitamized Products Co., from Fostoria, Ohio. On May 3, 1933, a libel was filed in the Eastern District of Kentucky against forty-seven 3-pound packages, two 6-pound packages, and one hundred 4-ounce packages of Vitamized Stock Compound, and forty-seven 3-pound packages of Vitamized Poultry Compound at Cynthiana, Ky., which had also been shipped from Fostoria, Ohio. The libels alleged that the articles had been shipped from the State of Ohio into the State of Kentucky and that they were adulterated and misbranded in violation of the Food and Drugs Act as amended. The above shipments into Kentucky were made between July 23 and September 12, 1932.

Between November 21, 1932 and May 22, 1933, there were libeled in the Northern District of Ohio, at Tiffin and Fostoria; in the Southern District of Ohio, at Cincinnati; in the Southern District of Indiana at Indianapolis; and in the Eastern District of Virginia, at Richmond; a total of 1,625 packages of Vitamized Stock Compound, 813 packages of Vitamized Poultry Compound, 213 packages of Vi-Te-Ma Stock Compound, 142 packages of Vi-Te-Ma Poultry Compound, and 24 bags of Yeastolized Medicated Stock Salt. These goods, which consisted of returned shipments in possession of the railroads, and which

had been shipped in interstate commerce from various points into the States and districts where they were located at the time of seizure, were also adulterated and misbranded.

Analyses of samples of the articles by this Department showed that the Stock Compound consisted essentially of calcium carbonate, magnesium sulphate, ferrous sulphate, small proportions of sulphur, quassia, and fenugreek seed, and traces of nux vomica and potassium iodide; and that the Poultry Compound consisted essentially of calcium carbonate, magnesium sulphate, iron oxide, small proportions of sulphur, quassia and capsicum, and a trace of potassium iodide. Yeast and cod-liver oil were not present in either article. The Yeastolized Medicated Salt consisted essentially of common salt, with small proportions of other mineral matter and fenugreek. Yeast and cod-liver oil were not present.

The libels alleged that all of the said articles were adulterated in that their strength fell below the professed standard under which they were sold, namely: (Vitimized Stock Compound) "Ingredients Dry Yeast, Cod Liver Oil"; (Vitimized Poultry Compound) "This compound contains the following ingredients Yeast, Cod Liver Oil"; (portion of Poultry Compound) "The essential Vitamins"; (Vi-Te-Ma Stock Compound) "Contains Dry Yeast, Cod Liver Oil. Ingredients: Dry Yeast Cod Liver Oil"; (Vi-Te-Ma Poultry Compound) "Yeast, Cod Liver Oil"; Yeastolized Medicated Stock Salt) "Least olized * * * Contains Yeast, Cod Liver Oil."

The libels further alleged that the articles were misbranded in that the forementioned statements were false and misleading in view of the composition of the products. Misbranding was alleged with respect to various lots of the Vitimized Stock and Poultry Compounds and the Vi-Te-Ma Stock and Poultry Compounds for the further reason that certain statements appearing in the labeling were also false and misleading. The following extracts from the labeling of portions of the product are characteristic of the false and misleading statements appearing in a large number of the shipments: (Vitimized Stock Compound, carton) "Vitimized * * * Contains the Essential Vitamines in Combination with the Necessary Minerals"; (Vitimized Stock Compound, leaflet) "Large Savings to Farmers and Feeders * * * Vitimized Stock Compound is a highly concentrated product scientifically compounded in our own laboratory, making when added to common salt, a balanced vitimized and mineralized supplement for all live stock. Cattle bring large or small returns * * * depends upon a properly balanced ration containing the essential vitamines, Yeast and Cod Liver Oil in combination with the necessary minerals in order to make cows profitable during forced production. If these are not provided in sufficient quantities the increased milk flow is taken from the body of the animal. Besides this is a scientific vitimized product which causes a rapid growth * * * It pays many times the cost to feed to a single cow as well as the large dairy herd. The Horse * * * should never be allowed to become unthrifty or in a run down condition. Vitimized Stock Compound is a scientific vitimized product which contains all the elements necessary to build up a horse from a diseased condition—contains the essential vitamines, Yeast and Cod Liver Oil in combination with the necessary minerals which are scientifically compounded * * * Very beneficial in the growing and fattening of live stock by increasing the appetite and thoroughly invigorating the entire system causing a smooth glossy coat, good spirits and staying qualities. Make Your Dollar Count * * * realizing the hog raiser has a great deal to contend with we have developed through years of careful research by experienced, scientific feeders. Vitimized Stock Compound * * * contains the essential vitamines—Yeast and Cod Liver Oil which in combination with the proper minerals * * * promotes a more rapid growth with earlier development, less feeding being required and the vitality being increased. This product contains the essential Vitamines in combination with the proper minerals which not only cause a rapid growth, but in the majority of cases causes a speedy recovery * * * exceptionally beneficial for sheep due to the fact that it contains the all essential Vitamines Vitimized Stock Compound * * * increases the vitality and causes a rapid growth"; (Selling Instructions for Local Agents) "Mr. . . . if we can prove to you that we can show a substantial increase in milk, put more flesh and lard on hogs, * * * wouldn't you be interested?"; (Poultry Compound) "For Production of Eggs—Give a tablespoonful well mixed with ground feed or mash twice a week for every twelve fowls. Chick Food. For Turkeys, Ducks and Geese—Give one tablespoonful every other day for every ten fowls; this will cause a rapid growth

and place the birds on the market in a much shorter time. This Compound contains the Essential Vitamines in combination with the necessary minerals. For Production of Eggs Chick Food"; (circular with "Free Goods" and samples) "Vitamized Poultry Compound * * * supplying as it does the elements required to build and maintain the body of the fowl for continued peak production. * * * Feed it regularly and watch your production increase"; (Vi-Te-Ma Stock Compound) "Highly recommended for fattening live stock, as well as assists in increasing production"; (Vi-Te-Ma Poultry Compound) "For Production of Eggs * * * Highly recommended for Poultry of all ages, chickens, turkeys, geese and ducks, pigeons, rabbits, etc. for growth and production."

Misbranding of the said Vitamized and Vi-Te-Ma stock and poultry compounds was alleged for the further reason that certain statements appearing in the labeling, regarding the curative and therapeutic effects of the articles, were false and fraudulent: The following extracts from the labeling of portions of the product are characteristic of the false and fraudulent statements appearing in a large number of the shipments:

Vitamized Stock Compound, carton) [Picture showing a hog infested with worms bearing the legend, "Worms Kill Hogs"] "Will invigorate and tone up the system of your livestock"; (coupon) "I hereby agree to use Vitamized (or "Vi-Te-Ma") compound according to directions printed on package, to justify the free use of a veterinary surgeon for diseases contracted after one month of consecutive feeding"; (circular) "Healthy Live Stock pays a nice profit, while unthrifty animals usually show a loss. * * * Causes a rapid growth, prevents disease as well as many other ailments to which the overworked cow is subject. * * * The Horse * * * should never be allowed to become unthrifty or in a run down condition. Vitamized Stock Compound * * * contains all the elements necessary to build up a horse from a diseased condition. We recommend it for all diseases of the stomach, kidneys and urinary organs, loss of appetite and vital energy. Very beneficial in the growing and fattening of live stock by increasing the appetite and thoroughly invigorating the entire system, causing a smooth, glossy coat, good spirits and staying qualities. * * * removes worms, promotes a more rapid growth with earlier development, less feeding being required and the vitality being increased, naturally the more common diseases among hogs are very materially reduced. (Cut depicting hog infested with worms, carrying the legend "Worms Kill Hogs.") The more common diseases in Sheep are derangement of stomach, liver and bowels. Give your sheep one-fourth pound of Vitamized Stock Compound per week and watch results. This product * * * not only causes a rapid growth, but in the majority of cases causes a speedy recovery. Vitamized Stock Compound removes worms, increases the vitality and causes a rapid growth; assists in curing and preventing many of the common diseases that are prevalent among sheep"; (Selling Instructions for Local Agents) "In order to properly present the proposition to the stock owners in your territory we have sketched below our selling system in the form which you can use when selling these products * * * Mr. if we can prove to you that we can * * * keep all of your live stock in a good, healthy condition, wouldn't you be interested? In addition to this we furnish a Veterinary service in case your live stock becomes sick after using this product for a period of thirty days. This is necessary in order to get the system in condition to ward off disease. otherwise we would not be able to make so liberal a guarantee. A three pound package of Vitamized Stock Compound * * * Sale * * * hundred pounds, when mixed makes you one hundred and three pounds of a good live stock conditioner"; (Vitamized Poultry Compound, circular) "Realizing the loss sustained by lack of care as well as disease we have formulated Vitamized Poultry Compound"; (Vitamized and Vi-Te-Ma Poultry Compounds, carton) "For Sick Fowls: Separate the sick fowls from those not already affected and give one tablespoon daily for every 10 fowls."

On February 1, April 25, and April 26, 1933, judgments were entered in the Southern District of Ohio ordering that the products be destroyed by the United States marshal. Similar decrees were entered in the Eastern District of Kentucky on April 11, and September 7, 1933; in the Eastern District of Virginia on April 21, 1933; in the Western District of Kentucky on May 17, 1933; in the Southern District of Indiana on May 27, 1933, and in the Northern District of Ohio on June 5, and June 15, 1933.

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