

requires that the article contain not less than 3.5 percent of ethyl nitrite. The sweet spirits of niter was alleged to be adulterated further in that it was labeled "Sweet Spirits Nitre * * * Ethyl Nitrite, 4%," and its strength fell below the professed standard and quality under which it was sold since it did not contain 4 percent of ethyl nitrite but did contain a less amount.

On April 29, 1938, no claimant having appeared, decrees of condemnation were entered and the products were ordered destroyed.

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

29027. Adulteration and misbranding of Vitawine. U. S. v. 24 Bottles of Vitawine. Default decree of condemnation and destruction. (F. & D. No. 42262. Sample No. 804-D.)

The vitamin content of this product fell below the professed standard or quality under which it was sold. Its label also bore an incorrect declaration of alcohol and false and fraudulent curative and therapeutic claims.

On April 29, 1938, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 bottles of Vitawine at Atlanta, Ga.; alleging that the article had been shipped in interstate commerce on or about November 2, 1937, from Miami, Fla., by the Vitawine Co.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of water, alcohol (9.8 percent by volume), citrates, an iron compound, manganese equivalent to 0.13 grains of manganese citrate per fluid ounce, and less than 40 Sherman units of vitamin B₁ per fluid ounce.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard or quality under which it was sold, namely, "Each Fluid Ounce Contains: Vitamin B Complex—15 grs. (90-100 Sherman Units B₁) * * * Manganese Citrate—1/2 gr.," since each fluid ounce of the article did not contain 15 grains of vitamin B complex (90-100 Sherman units B₁) or 1/2 grain of manganese citrate.

Misbranding was alleged in that the following statements appearing in the labeling were false and misleading, since they represented that the article was a vitamin tonic combining the "Vitamin B Complex B₁ B₂ (G)," that each fluid ounce of the article contained 15 grains of "vitamin B complex (90-100 Sherman Units B₁)" and 1/2 grain of manganese citrate; whereas the article was not a vitamin tonic combining the "Vitamin B Complex B₁ B₂ (G)," each fluid ounce did not contain 15 grains of "Vitamin B Complex (90-100 Sherman units B₁)" or 1/2 grain of manganese citrate: "Vitawine A vitamin Tonic combining the Vitamin 'B' Complex B₁ B₂ (G) * * * Each Fluid Ounce Contains: Vitamin B Complex—15 grs. (90-100 Sherman Units B₁) * * * Manganese Citrate—1/2 gr. * * * The Vitawine Co. * * * Vitamin 'B' Complex contains 90-100 Sherman Units B₁ per Gram."

Misbranding was alleged further in that the package failed to bear on its label a statement of the quantity or proportion of alcohol contained therein, since the declaration of the alcohol made on the label was incorrect. Misbranding was alleged further in that the following statements appearing in the labeling falsely and fraudulently represented the curative or therapeutic effectiveness of the article, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Colitis Anemia Neuritis Malnutrition Deficient Lactation Acne * * * anti-anemic effects * * * providing the growth-stimulating and appetite-producing Vitamin B Complex in sufficient quantity * * * A valuable accessory to the diet of people of all ages. Contains one of the richest known sources of Vitamin B Complex, made from fresh Yeast * * * Compounded on the basis of two teaspoonsful being equivalent in Vitamin B value to one cake of fresh yeast, or 50 units B₁ * * * Highly potent, completely stable * * * Vitamin B preparation * * * not only for use where this constitutes the sole medication but * * * in conditions where Vitamin B deficiency is a contributory factor * * * Supplementing the ordinary diet with Vitamin B is perhaps generally advisable; it is certainly advisable for individuals who show a beneficial response to such supplements. A high Vitamin intake should be assured in pregnancy, in lactation, in the diets of infants and growing children, in the treatment of chronic gastrointestinal disorders (especially constipation and colitis), in treatment of chronic infections and other long-continued or wasting diseases, in hyperthyroidism and other conditions in which the total food intake or total metabolism is high

and in therapeutic diets whenever their restrictions tend to lower the intake of Vitamin B-containing foods."

On May 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29028. Adulteration and misbranding of catgut sutures. U. S. v. 52 Sutures of Catgut, et al. Default decree of condemnation and destruction. (F. & D. No. 42254. Sample Nos. 15841-D, 15845-D, incl.)

This case involved sutures, a product which should be sterile, but was contaminated with viable micro-organisms.

On April 4, 1938, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 484 catgut sutures at Oklahoma City, Okla.; alleging that the article had been shipped in interstate commerce on or about March 26, June 23, and August 1, 1937, from St. Paul, Minn., by the Laboratory of the Ramsey County Medical Society; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, namely, "Plain Pyoktanin Catgut" and "Formalized Pyoktanin Catgut," since it was not "Plain * * * Catgut" nor "Formalized * * * Catgut," but was catgut contaminated with viable micro-organisms.

It was alleged to be misbranded in that the statements on the labels, "Plain Pyoktanin Catgut" and "Formalized Pyoktanin Catgut," were false and misleading when applied to catgut that was contaminated with viable micro-organisms, and in that it was offered for sale under the names of other articles, "Plain Pyoktanin Catgut" and "Formalized Pyoktanin Catgut."

On June 4, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29029. Misbranding of kidney tablets. U. S. v. 29,900 Tablets. Default decree of condemnation and destruction. (F. & D. No. 42138. Sample No. 9563-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On April 7, 1938, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29,900 tablets at Altoona, Pa.; alleging that the article had been shipped in interstate commerce on or about April 30, 1937, from Newark, N. Y., by Commercial Laboratories; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that the tablets contained methenamine, potassium nitrate, and extracts of plant drugs including cascara, buchu, and juniper.

The article was alleged to be misbranded in that the statement on the container, "Kidney Tablets," constituted a curative and therapeutic claim for the article that was false and fraudulent.

On June 21, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

29030. Misbranding of Reso-Quinon Vaginal Jelly. U. S. v. 50 Packages of Reso-Quinon Vaginal Jelly. Default decree of condemnation and destruction. (F. & D. No. 42233. Sample No. 21412-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims; and it also represented that the article contained quinine bisulphate, whereas it did not.

On April 22, 1938, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 packages of Reso-Quinon Vaginal Jelly at Fort Wayne, Ind.; alleging that the article had been shipped in interstate commerce on or about February 10, 1938, from Detroit, Mich., by White Cross Pharmacals, Inc.; and charging misbranding in violation of the Food and Drugs Act as amended.