

530. Misbranding of Pet-Eez. U. S. v. S. De Witt Lount (Pet-Eez Co.). Plea of guilty. Fine, \$100. (F. D. C. No. 2876. Sample Nos. 12822-E, 13019-E.)

The labels of both shipments of this veterinary product bore false and misleading therapeutic claims, and that of one shipment bore a false statement regarding its alcohol content.

On December 28, 1940, the United States attorney for the Northern District of California filed an information against S. De Witt Lount, trading as the Pet-Eez Co. at Oakland, Calif., alleging shipment on or about October 2, 1939, and February 1, 1940, from the State of California into the States of Nevada and Washington of quantities of Pet-Eez that was misbranded.

Analyses of samples of the article showed that the portion which was shipped into the State of Nevada consisted essentially of volatile oils including cubeb oil, cinnamon oil, bergamot oil, isopropyl alcohol (12.8 percent by volume), and water; and that the portion shipped into Washington consisted essentially of volatile oils including cubeb oil, cassia oil, isopropyl alcohol (12.4 percent by volume), and water.

The article was alleged to be misbranded in that its labeling bore representations that it was efficacious as a treatment, preventive and cure for distemper; that it was efficacious in relieving the discomforts of colds, coughs, and distemper and would eliminate the danger of coughs, colds, distemper and respiratory ailments in dogs; that it was efficacious in the treatment of chorea, and would restore to health dogs which suffer from chorea and loss of the use of hind quarters; that one or two drops of it in each nostril two or three times a week, when dogs are permitted to run at large or when they come in contact with other dogs, and its administration two or three times a week to puppies up to the age of 1 year, would be an efficacious preventive of disease in dogs and puppies; and that it was a germicide, which representations were false and misleading since it would not be efficacious for the purposes recommended. A portion of the article was alleged to be misbranded further (1) in that the statement "Alcohol 20 per cent," borne on the bottle label, was false and misleading since it contained no ethyl alcohol but did contain isopropyl alcohol; and (2) in that it was fabricated from two or more ingredients and contained isopropyl alcohol, but its label did not state the quantity, kind, and proportion of alcohol, i. e., isopropyl alcohol, that it contained.

On January 14, 1941, the defendant entered a plea of guilty and was fined \$100.

531. Misbranding of Harvey's Embrocation or Curb Bottle. U. S. v. 591 Packages of Harvey's Embrocation or Curb Bottle. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 3912. Sample No. 33018-E.)

On March 6, 1941, the United States attorney for the Southern District of New York filed a libel against 591 packages of the above-named veterinary product at New York, N. Y., alleging that the article had been shipped from Liverpool, England, by Harvey & Co. on or about November 22, 1940; and charging that it was misbranded.

Analysis of a sample of the article showed that it consisted essentially of an unsaturated oil such as croton oil, ethyl alcohol (63.1 percent by volume), isopropyl alcohol (9.1 percent by volume), and a red coloring matter.

It was alleged to be misbranded in that statements in the labeling that it would be efficacious in the treatment of splint, spavin, and bony enlargements or callosities, or for deep-seated lameness including shoulder lameness, sidebone, ring-bone, bog spavin, thoroughpin, navicular disease, defective horn, ophthalmia, glandular swellings, abscesses, sore throat and cough; that it would penetrate to the bone and therefore would be successful in the treatment of chronic lameness; and that it would go straight to the root of the malady, dissipating the disease without pain or injury; that Harvey's Aconite Powders would be efficacious in the treatment of chronic cough, broken wind, and other diseases of the organs of respiration in horses and cattle; that Harvey's Worm and Condition Powders would eradicate all worms in horses; and that Harvey's Hair-Restoring Ointment for Horses would restore hair in horses, were false and misleading since it would not be efficacious for such purposes. It was alleged to be misbranded further (1) in that the label failed to bear a statement of the quantity and proportion of ethyl alcohol and isopropyl alcohol; and (2) in that its container was so made, formed, or filled as to be misleading.

On April 24, 1941, Kopf Manufacturing Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was

entered and the product was ordered released under bond conditioned that the boxes and the enclosed circulars be destroyed and that the bottles be relabeled.

532. Misbranding of McMillan's Nomoppin and McMillan's Demytin. U. S. v. 59 Bottles of McMillan's Nomoppin and 20 Bottles of McMillan's Demytin. Default decree of condemnation and destruction. (F. D. C. No. 3448. Sample Nos. 20924-E, 20925-E.)

On or about December 11, 1940, the United States attorney for the Southern District of Georgia filed a libel against the above-named products at Augusta, Ga., alleging that the articles had been shipped by McMillan Drug Co. from Columbia, S. C., on or about July 17, 1940; and charging that they were misbranded.

Analyses of samples showed that Nomoppin consisted essentially of potassium arsenite and water; and that Demytin consisted essentially of calcium thiosulfate, calcium polysulfide, and water.

McMillan's Nomoppin was alleged to be misbranded in that its labeling bore representations that it was efficacious as a treatment, preventive, and cure for sorehead of poultry; that it was efficacious as a tonic; that it would protect and free hens and chicks from mites; and that it would hasten moulting, brighten plumage, increase egg production, and promote more and stronger chicks, which representations were false and misleading since it would not be efficacious for such purposes. It was alleged to be misbranded further in that its labeling failed to bear an accurate statement of the quantity of contents.

McMillan's Demytin was alleged to be misbranded in that its labeling bore representations that it was efficacious as a preventive of diarrhea of poultry, and that it would free hens from "mites, etc.," promote prompter moulting, brighten plumage, increase egg production, and promote growth, strength and vigor of chicks, which representations were false and misleading since it would not be efficacious for such purposes.

Both articles were alleged to be misbranded further in that their labels failed to bear the common or usual names of their active ingredients, and in the case of Nomoppin the label failed to bear a statement of the quantity or proportion of arsenic that was present.

On January 1, 1941, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

533. Misbranding of veterinary remedies. U. S. v. 69 Packages of National Hog Remedy, 45 Packages of National Horse, Cow, and Mule Remedy, and 9 Packages of National Dog Worm Powder. Default decree of condemnation and destruction. (F. D. C. Nos. 2321 to 2323, incl. Sample Nos. 343-E to 345-E, incl.)

On July 8, 1940, the United States attorney for the Western District of Virginia filed a libel against the above-named products at Galax, Va., alleging that they had been shipped on or about May 16, 1940, by the National Hog Remedy Co. from Raleigh, N. C.; and charging that they were misbranded.

Analyses of samples of the articles showed that the Hog Remedy consisted essentially of sodium thiosulfate, sodium chloride, sodium sulfate, sodium bicarbonate, iron sulfate, antimony sulfide, fenugreek, flaxseed meal, charcoal, and lime; the Horse, Cow, and Mule Remedy consisted essentially of sodium chloride, sodium thiosulfate, iron sulfate, antimony sulfide, fenugreek, flaxseed meal, a cereal plant, charcoal, and lime; and the Dog Worm Powder consisted essentially of sodium chloride, sodium thiosulfate, sodium bicarbonate, sodium sulfate, iron sulfate, antimony sulfide, fenugreek, flaxseed meal, and charcoal.

The Hog Remedy was alleged to be misbranded in that representations in the labeling that it was a powerful tonic, flesh builder, and anthelmintic, and that it would be efficacious in the prevention and treatment of disease conditions of swine, were false and misleading, since it would not be efficacious for such purposes.

The Horse, Cow, and Mule Remedy was alleged to be misbranded in that representations in the labeling that it was a medicinal tonic, conditioner, flesh builder, blood alterative or blood purifier, and worm remover, and that it would increase milk production and promote health, were false and misleading, since it would not be efficacious for such purposes.

The Dog Worm Remedy was alleged to be misbranded in that representations in the labeling that it would be efficacious in the removal of all species of worms infesting dogs, were false and misleading, since it would not be efficacious for such purposes.