

constipation, whereas the articles, when used as directed, did not constitute appropriate or adequate treatment for such diseases or conditions of poultry.

On July 28, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1150. Misbranding of Dr. MacDonald's Vitamized Egg Mash Maker and Chick & Growing Mash Maker, and Dr. MacDonald's Vitamized Metabolators for Swine, Calves, Beef Cattle, and Sheep. U. S. v. 9 Bags of the Egg Mash Maker, 8 Bags of the Chick & Growing Mash Maker, and the following quantities of the Vitamized Metabolators: For Swine, 101 Bags; for Calves, 1 Bag; for Beef Cattle, 27 Bags; for Sheep, 10 Bags. Decrees of condemnation. Product ordered released under bond for relabeling. (F. D. C. Nos. 10951, 11085. Sample Nos. 8241-F, 8565-F, 8566-F, 8568-F to 8570-F, incl.)

On October 22 and November 10, 1943, the United States attorney for the District of Minnesota filed libels against a total of 156 100-pound bags of the above-named products at St. Paul, Minn., alleging that they had been shipped in interstate commerce on or about March 20, May 14, and September 22, 1943, by the Vitamized Feed Company, Fort Dodge, Iowa; and charging that they were misbranded.

Examination of the Egg Mash Maker showed that it consisted of ground limestone, salt, charcoal, sulfur, and small amounts of iron sulfate, copper sulfate, sodium bicarbonate, potassium iodide, oil, and plant material including ginger. The iodine content was not more than 0.03 percent. It was alleged to be misbranded in that the statements appearing in its labeling which represented and suggested that the article, when fed to poultry, was effective to produce high egg production, increase vitality, insure greater hatchability of eggs, improve utilization of foods, and prevent or correct many nutritional deficiency diseases, were false and misleading since the article was not so effective.

Examination of the Chick & Growing Mash Maker showed that it consisted essentially of ground limestone, salt, charcoal, sulfur, and small proportions of iron sulfate, iron oxide, copper sulfate, sodium thiosulfate, sodium bicarbonate, potassium iodide, oil, yeast, and plant material including a cereal, and ginger. It was alleged to be misbranded because of false and misleading statements in its labeling which suggested and implied that the article was vitamized; that it would stop chick losses; that it would prevent any disease condition of chicks or chickens; that it would help to keep the chicks in good health; that it would help to produce healthy, mature birds in the shortest possible time; that it was a balancer of feeds; that it would reduce mortality due to unbalanced feeds; that it would increase egg production and build greater resistance to disease; that it would help guard against chick mortality; that it would help to grow chicks at a faster rate in a shorter period of time at less cost; that it would increase the flow of digestive juices and body secretions; that it would build strong, vigorous, thrifty chicks; that it would promote strong bone structure, rapid growth, and improve flock health and vigor; that it would ward off nutritional deficiency diseases; and that it would build up resistance against infectious diseases. The use of the article would not effect the results suggested or implied by such statements.

Examination of the Metabolator for Swine showed that it consisted essentially of ground limestone, salt, charcoal, sulfur, and small proportions of iron sulfate, sodium thiosulfate, copper sulfate, sodium bicarbonate, potassium iodide, oil, yeast, and plant material including fenugreek and a cereal. It contained not more than 0.01 percent of iodine. It was alleged to be misbranded because of false and misleading statements appearing in its labeling which suggested or implied that it was vitamized; that it would promote metabolism; that it would prevent death losses; that it would insure against losses due to any cause; that it would prevent pigs from developing white and black scours; that it was effective in the treatment of the disease condition known as negro; that it would increase benefits of home-grown grains; that it would help improve health of stocks through better nutrition; that it would increase the profits from swine; that it would increase reproductive ability; that it would insure large litters of husky pigs; that it would improve the digestive ability of feeds and increase the flow of saliva and digestive juices; that it would produce a better utilization of the feed; that it would prevent the disease conditions known as scours, pneumonia, worms, negro enteritis, or any other contagious diseases; that it would help produce big, strong, healthy litters; that it would increase the milk production of sows; that it would help produce strong and healthy pigs; that it would save pigs; and that it would help to combat scours, negro, worms, or other pig dis-

eases. The use of the article would not effect the results suggested or implied by such statements.

Examination of the Metabolator for Calves showed that it consisted essentially of ground limestone, charcoal, sulfur, salt, and small proportions of iron sulfate, sodium thiosulfate, copper sulfate, sodium bicarbonate, oil, yeast, and plant material, including fenugreek, anise, and a cereal. It contained not more than 3.11 percent of phosphorus and not more than 0.038 percent of iodine. It was alleged to be misbranded in that the statements appearing in its labeling which suggested or implied that it was vitamized; that it would promote metabolism; that it would prevent or cure scours in calves; and that it would prevent scours due to vitamin A and B deficiencies, were false and misleading since the use of the article would not effect the results suggested or implied by such statements.

Examination of the Metabolator for Beef Cattle showed that it contained charcoal, ground limestone, salt, sulfur, and small proportions of iron sulfate, copper sulfate, sodium thiosulfate, sodium bicarbonate, potassium iodide, oil, and plant material, including fenugreek, anise, ginger, and a cereal. It contained 0.040 percent of iodine. It was alleged to be misbranded because of false and misleading statements appearing in its labeling which suggested or implied that it was vitamized; that it would promote metabolism; that it would help promote better digestion and assimilation of feed; that it would help keep the animal on full feed; that it would help stimulate the flow of saliva and other important digestive juices; that it would produce rapid growth, health, and reproduction; that it would promote nutritional balance; and that it would promote smoother or more even flesh and a glossy coat of hair. The use of the article would not effect the results suggested or implied by such statements.

Examination of the Metabolator for Sheep showed that it consisted essentially of ground limestone, salt, charcoal, sulfur, and small proportions of iron sulfate, sodium thiosulfate, copper sulfate, sodium bicarbonate, potassium iodide, oil, yeast, and plant material including anise, fenugreek, ginger, and a cereal. The iodine content was not more than 0.038 percent. It was alleged to be misbranded in that the statements appearing in its labeling which suggested or implied that it was vitamized and would promote metabolism; that it would make sheep, wool, and mutton production profitable; that it would produce husky lambs; that it would increase the milk flow at lambing time; that it would help the reproductive processes; that it would produce better utilization of food; that it would stimulate the appetite; and that it would produce a fine finish and high-quality carcass, were false and misleading since the use of the article would not effect the results suggested or implied by such statements.

The Chick & Growing Mash Maker was also alleged to be misbranded, and the other articles were also alleged to be adulterated and misbranded under the provisions of the law applicable to foods, as reported in the notices of judgment on foods, No. 5689.

On December 14 and 22, 1943, the Vitamized Feed Company, claimant, having admitted the material allegations of the libels, judgments of condemnation were entered and the products were ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

INDEX TO NOTICES OF JUDGMENT D. D. N. J. NOS. 1101-1150

PRODUCTS

	N.J. No.		N.J. No.
Abortifacients-----	1101,	Cascara bark-----	1112
Ademo Tablets-----	1122	Cinnamon, oil of-----	1109
Alum, powdered-----	1142	Cold remedies-----	1105, 1121
Ammonia, aromatic spirit of-----	1142	Cosmetics (subject to the drug provisions of the Act)-----	1149
Anti-Uric-----	1138	Cotton, absorbent-----	1115
Antimony potassium tartrate-----	1110	Curley Cal-Pans Vitamins and Curley Bu-T-Caps Vitamins-----	1123
Bandages-----	1114, 1115	DPS Formula 56-----	1125
Basic Endocrine Formulas: No. 37		Formulas 52, 57, 58, 61, 66, 81, 100, 103, and 105-----	1124
Formula GH-5, No. 24 Formula		Dextro Quinine-----	1140
GH-1, No. 15 Formula GM-15,		Dwarfies Wheatmix and Dwarfies	
No. 3 Formula GM-4, No. 20		Toasted Wheat Germ-----	1119
Formula GH-4-----	1137	Einik's Red Ointment and Einik's	
Bates vitamin preparations-----	1128	Root-----	1120
"Be" Bex-----	1106	Fen-R-Tabs-----	1146
Bu-T-Caps Vitamins-----	1123	Floritone-----	1132
Cal-Pans Vitamins-----	1123		
Calf meal-----	1144		
Camphor, spirit of-----	1142		
Carbon tetrachloride-----	1107		


FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

**NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

1151-1200

DRUGS AND DEVICES

The cases reported herewith were instituted in the United States district courts by the United States attorneys acting upon reports submitted by direction of the Federal Security Administrator.

WATSON B. MILLER, *Acting Administrator, Federal Security Agency.*
Washington, D. C., April 5, 1945.

CONTENTS*

	Page		Page
Drugs actionable because of potential danger when used according to directions.....	303	Drugs and devices actionable because of deviation from official or own standards.....	317
New drug shipped without effective application.....	305	Drugs actionable because of false and misleading claims.....	322
Drugs actionable because of failure to bear adequate directions or warning statements.....	305	Drugs for human use.....	322
Drugs actionable because of contamination with filth.....	315	Drugs for veterinary use.....	330

**DRUGS ACTIONABLE BECAUSE OF POTENTIAL DANGER WHEN USED
ACCORDING TO DIRECTIONS**

1151. Adulteration and misbranding of Eli-606 Capsules and misbranding of Stero-Uteroids. U. S. v. Charles A. Ainsworth (Ainsworth Specialty Co.). Plea of guilty. Fine, \$350. (F. D. C. No. 10542. Sample Nos. 3311-F, 37824-F.)

On September 17, 1943, the United States attorney for the Western District of Missouri filed an information against Charles A. Ainsworth, trading as the Ainsworth Specialty Co., Kansas City, Mo., alleging shipment from the State of Missouri into the State of Oklahoma, on or about January 21, 1943, of a quantity of Eli-606 Capsules, and into the State of Illinois from on or about July 24, 1941, to October 17, 1942, of quantities of Stero-Uteroids.

Analysis of the Eli-606 Capsules disclosed that the article contained per capsule 0.154 grain of sodium cacodylate, and not more than 0.89 grain of methenamine, 0.386 grain of acetanilid, 0.49 grain of calcium phosphate, and 0.476 grain of sodium phosphate.

The article was alleged to be adulterated in that its strength differed from that which it purported and was represented to possess since it was represented to contain in each capsule $\frac{1}{2}$ grain of sodium cacodylate, 2 grains of methenamine, and 1 grain each of acetanilid, calcium phosphate, and sodium phosphate, whereas it contained smaller amounts of those substances. It was alleged to be misbranded in that the statements on its label, "Formula: Soda Cacodylate $\frac{1}{2}$ Gr. * * *

*For presence of a habit-forming narcotic without warning statement, see Nos. 1152, 1163; deceptive packaging, No. 1155; failure to bear accurate statement of quantity of contents, Nos. 1156, 1182, 1190, 1191, 1196; omission of, or unsatisfactory, ingredients statement, Nos. 1157, 1188, 1196; inconspicuousness of, or unsatisfactory, required label information, Nos. 1158, 1160; imitation of another drug, No. 1190; cosmetics, subject to the drug provisions of the Act, Nos. 1193, 1194.