

1545. Misbranding of Rex Wheat Germ Oil. U. S. v. 3 Deals and 4 Bottles of Rex Wheat Germ Oil. Default decree of condemnation and destruction. (F. D. C. No. 14648. Sample No. 87389-F.)

On December 15, 1944, the United States attorney for the Northern District of Iowa filed a libel against 3 deals and 4 1-gallon bottles of the above-named product at Cedar Rapids, Iowa, alleging that the article had been shipped on or about July 26 and September 22, 1944, by the Globe Laboratories, from Fort Worth, Tex. The article was labeled in part: "Rex Wheat Germ Oil * * * Vio Bin Corporation, Monticello, Illinois."

Each of the deals consisted of a carton containing 2 1-quart bottles, 4 1-pint bottles, and 3 4-ounce bottles, together with a manila envelope bearing the notation "To the Manager," which envelope contained various pieces of printed matter discussing the alleged virtues of the article. Examination showed that the article contained a dark brown, oily liquid identical in appearance to wheat germ oil.

The article was alleged to be misbranded in that certain statements on the bottle labels, on the manila envelope, and in the printed matter enclosed in the envelope, were false and misleading since they represented and suggested that the article would be effective in preventing or correcting breeding difficulties in cattle, pigs, sheep, poultry, dogs, and other animals; that it would be effective to produce a healthy coat and skin in dogs, and cure summer eczema in dogs; that use of the article would increase the livability of young dogs, keep the dog's coat glossy, soft, and free of dandruff and scale, promote growth of hair and contribute to a dog's general health; that it would be effective in the treatment of itchy, sore, or scaly skin; that it would increase the fertility of hens and the hatchability of eggs; and that it was effective in treating abortion and simple sterility in cows, in bringing calves through to full term in cows with Bang's disease, in treating barrenness in sows, in causing mares to breed, and in producing thriftier livestock, whereas the article would not be effective for the purposes claimed.

The article was also alleged to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

On February 19, 1945, no claimant having appeared, judgment of condemnation was entered and the product, together with the envelope and printed matter, was ordered destroyed.

1546. Misbranding of L. T. Barrick's Compound Mixture. U. S. v. 249 Bottles of L. T. Barrick's Compound Mixture. Default decree of condemnation and destruction. (F. D. C. No. 15068. Sample No. 87339-F.)

On January 23, 1945, the United States attorney for the Northern District of Iowa filed a libel against 249 bottles, each containing 4 fluid ounces, of the above-named product at Arlington, Iowa, alleging that the article had been shipped on or about October 13, 1944, by L. T. Barrick, from Byron, Ill.

Examination of a sample showed that the article consisted essentially of water, bismuth subnitrate, 4.4 grains per teaspoonful; calcium carbonate, 3.1 grains per teaspoonful; resorcin, camphor, and benzoic acid, 0.2 grain per teaspoonful; catechu; and alcohol, 14.6 percent.

The article was alleged to be misbranded in that certain statements on its labels and in the circular entitled "Special Directions," enclosed in the retail carton, were false and misleading since they represented and suggested that it was effective in the treatment of scours in calves and pigs, and that it contained 20 percent of alcohol, whereas it was not effective for such purpose, and it did not contain 20 percent of alcohol.

On February 19, 1945, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1547. Misbranding of Chezit. U. S. v. 168 Packages and 165 Packages of Chezit. Default decree of condemnation and destruction. (F. D. C. No. 15116. Sample No. 87599-F.)

On January 29, 1945, the United States attorney for the Northern District of Iowa filed a libel against 168 1-pound packages and 165 8-ounce packages of Chezit at Spencer, Iowa, alleging that the article had been shipped on or about November 24, 1944, from Chicago, Ill., by the United Farmers Exchange.

Examination showed that the article consisted of calcium carbonate, 50 percent; zinc sulfocarbolate, 2.6 percent; bismuth subcarbonate, 0.32 percent; plant material, including nux vomica; and potassium iodide.

The article was alleged to be misbranded in that the statements on its label which represented and suggested that it was of value in checking diarrhea, scours, and looseness of the bowels in livestock, and in relieving bowel irritation,

were false and misleading since the article was of no value in checking those conditions in livestock or in furnishing relief from any irritation of the digestive tract. The article was alleged to be misbranded further in that its container (1-pound size) was so filled as to be misleading since the contents occupied only about 57 percent of the volume of the container.

On February 27, 1945, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1548. Misbranding of Franklin Gi-Co, Franklin Udder-Eze, and Franklin N-C-K Compound. U. S. v. 20 Bottles of Franklin Gi-Co, 51 Jars of Franklin Udder-Eze, 21 Boxes of Franklin N-C-K Compound, and 30 booklets. Default decree of destruction. (F. D. C. No. 14879. Sample Nos. 69981-F, 69982-F, 69984-F.)

On January 12, 1945, the United States attorney for the District of Utah filed a libel against 20 bottles of Franklin Gi-Co, 51 jars of Franklin Udder-Eze, 21 boxes of Franklin N-C-K Compound, and 30 booklets entitled "Franklin Vaccines and Supplies Catalog No. 44" at Salt Lake City, Utah, alleging that the O. M. Franklin Serum Co. had shipped the articles from Denver, Colo., between the approximate dates of October 9 and November 7, 1944, and the booklets on or about October 11, 1944, and that the booklets accompanied the articles when they were introduced into and while they were in interstate commerce.

Examination of a sample of the Franklin Gi-Co showed that it was essentially a mixture containing alcohol, cresol, and an emulsifying agent, and volatile oils including oil of eucalyptus. The article was alleged to be misbranded in that the statements in the accompanying booklet, "For use in the treatment of certain infections of the respiratory and intestinal tract of horses, cattle, sheep, swine and poultry. Especially effective when used in drinking water for poultry, or in a mash or slop feed. * * * for herd or flock treatment. * * * when given internally is absorbed by the mucous membrane of the intestines and eliminated through the respiratory tract and kidneys," were false and misleading since the article would not be effective in the treatment of respiratory diseases of poultry or other animals.

Examination of a sample of the Franklin Udder Eze showed that it was essentially a mixture of petrolatum, lanolin, methyl salicylate, creosote, and salicylic acid. The article was alleged to be misbranded in that the statements in the accompanying booklet, "For treatment of inflammatory conditions of the udder in cows, mares, ewes and sows. In treating cows, best results are obtained by using in conjunction with Bovine Mixed Bacterin Formula 2. * * * Apply ointment at least twice daily, massaging the affected parts thoroughly at each application. Massaging will assist in * * * reducing inflammation. In severe cases, * * * the ointment will prove very beneficial. * * * for eczema and for sprains, bruises, rheumatic swellings, throat inflammation," were false and misleading since the article would not be effective in the treatment of the conditions mentioned.

Examination of a sample of the Franklin N-C-K Compound showed that it was essentially a mixture including copper sulfate, nicotine, saponifiable oil, and ground soy bean. The article was alleged to be misbranded in that the statements in the accompanying booklet, "A popular and easily administered toner or conditioner. * * * Animals put on weight while being treated and increased appetite will be noted following treatment," were false and misleading since the article would not be effective to fulfill the promises of benefit stated and implied by those statements.

On March 10, 1945, no claimant having appeared, judgment was entered ordering that the product, including the booklets, be destroyed.

1549. Misbranding of Star Sulphur Compound. U. S. v. 13½ Dozen Bottles and 21½ Dozen Bottles of Star Sulphur Compound, and 198 leaflets. Default decree of condemnation and destruction. (F. D. C. No. 15750. Sample Nos. 23909-H, 23918-H.)

On March 27, 1945, the United States attorney for the Northern District of Alabama filed a libel against 13½ dozen 6-ounce bottles and 21½ dozen 2-ounce bottles of Star Sulphur Compound, and 198 leaflets entitled "Star Sulphurous Compound Poultry Raising Made Easy," at Birmingham, Ala., alleging that the article and the leaflets had been shipped on or about October 17, 1944, by the Star Chemical Co., Arlington, Tex.

Examination showed that the article consisted of a lime and sulfur solution. The article was alleged to be misbranded in that certain statements in the leaflets were false and misleading since they represented and suggested that the article was effective in ridding the intestines of poultry of germs and worms,