

1645. Misbranding of Necro Tonic For Swine. U. S. v. John R. MacDonald (Vitamized Feed Co.). Plea of nolo contendere. Fine, \$400 and costs. (F. D. C. No. 12557. Sample No. 8418-F.)

INFORMATION FILED: December 14, 1944, Northern District of Iowa, against John R. MacDonald, trading as the Vitamized Feed Co., Fort Dodge, Iowa.

ALLEGED SHIPMENT: On or about August 11, 1943, from the State of Iowa into the State of Minnesota.

PRODUCT: Analysis disclosed that the product contained essentially sodium thiosulfate, iron sulfate, copper sulfate, copper sulfide, sulfur, and potassium iodide, and water flavored with oil of anise.

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statement, "Necro Tonic For Swine," and certain statements in an accompanying circular entitled "Directions for Administering Doctor MacDonald's Swine Tonic," were false and misleading since they represented and suggested that the article would be efficacious in the cure, mitigation, treatment, and prevention of necro in swine, whereas the article would not be efficacious for such purposes; and, Section 502 (e) (2), the label of the article failed to bear a statement of each active ingredient by its common or usual name.

It was also alleged that certain other articles, *Dr. MacDonald's Vitamized Egg Mash Maker*, *Chick and Growing Mash Maker*, and *Vitamized Metabolators For Dairy Cattle, Sheep, Beef Cattle, Calves, and Swine*, were misbranded under the provisions of the law applicable to foods, as reported in the notices of judgment on foods.

DISPOSITION: June 12, 1945. A plea of nolo contendere was entered by the defendant, and the court imposed a fine of \$400 and costs.

1646. Misbranding of ChaRem, Chamberlain Dry Dip, and Chamberlain Worm Expeller. U. S. v. F. B. Chamberlain Co. Pleas of nolo contendere on counts 1 and 3; plea of guilty on count 2. Fine, \$625. (F. D. C. No. 14282. Sample Nos. 62531-F, 80401-F, 80402-F.)

INFORMATION FILED: February 19, 1945, Eastern District of Missouri, against the F. B. Chamberlain Co., a corporation, St. Louis, Mo.

ALLEGED SHIPMENT: On or about February 1 and 4, 1944, from the State of Missouri into the State of Illinois.

PRODUCT: Analyses disclosed that the *Worm Expeller* consisted chiefly of sodium sulfate, epsom salt, sodium bicarbonate, ferrous sulfate, ground areca nuts, and a small amount of whole American wormseed and kamala; that the *Dry Dip* consisted chiefly of kaolin, organic matter not identified, small proportions of sodium fluoride, and phenol compounds; and that the *ChaRem* consisted essentially of water, sugar, creosote, sodium hydroxide, a laxative plant drug, and a minute amount of arsenic.

NATURE OF CHARGE: *Worm Expeller*, misbranding, Section 502 (a), the label statement, "Worm Expeller for Hogs," was false and misleading since the article would not be efficacious to expel worms from hogs.

ChaRem, misbranding, Section 502 (a), certain statements in accompanying circulars entitled "How to Keep Your Chickens Healthy," and "Coccidiosis Kills Millions of Chickens Every Year," were false and misleading since the article would not be efficacious for the purposes stated and implied. The statements represented and suggested that the article would disinfect drinking water for use by chicks, chickens, and turkeys; that it would be efficacious in the treatment and prevention of blackhead in turkeys; that it would be efficacious in the prevention of coccidiosis (both bloody type and chronic), bronchitis, respiratory diseases, range paralysis, bowel trouble, and mycosis in chickens; and that it would be efficacious in the treatment of coccidiosis (bloody type), bronchitis (noninfectious type), limberneck, and general bowel disorder (not pullorum) in chickens.

Dry Dip, misbranding, Section 502 (a), the label statements which represented and suggested that the article, when used as directed, would be efficacious in the cure, mitigation, treatment, and prevention of colds, flu, and other diseases of the respiratory tract in hogs, were false and misleading since the article would not be efficacious for those purposes.

DISPOSITION: April 19, 1945. Pleas of nolo contendere on counts 1 and 3, relating to the *Worm Expeller* and *Dry Dip*, and a plea of guilty on count 2, relating to the *ChaRem*, having been entered on behalf of the defendant, the court

imposed a fine of \$25 on count 1, \$500 on count 2, and \$100 on count 3, a total fine of \$625.

1647. Misbranding of Sep-Tone. U. S. v. 10 Bottles, 4 Bottles, and 2 Jugs of Sep-Tone, and a quantity of printed matter. Default decree of condemnation and destruction. (F. D. C. No. 15276. Sample Nos. 22110-H to 22112-H, incl.)

LIBEL FILED: February 16, 1945, Southern District of Illinois; amended libel subsequently filed.

ALLEGED SHIPMENT: By D. D. Dolan, from Dolan Laboratories, St. Louis, Mo. A portion of the drug was shipped on or about November 7, 1944, and the remainder, together with the printed matter, was shipped on or about January 6, 1945.

PRODUCT: 10 1-quart bottles, 4 1/2-gallon bottles, and 2 1-gallon jugs of *Sep-Tone*, a placard headed "A High Grade Intestinal Antiseptic," and approximately 50 circulars entitled "Save your share of that 35% of U. S. Poultry Loss," at Edwardsville, Ill.

Examination disclosed that the drug consisted essentially of water, with small amounts of potassium dichromate; sodium, zinc, and copper sulfocarbates; ammonium chloride, and an iodide.

LABEL, IN PART: "Sep-Tone For Poultry Drinking Water," or "Sep-Tone A High Grade Astringent Intestinal Antiseptic."

NATURE OF CHARGE: Misbranding, Section 502 (a), the following and similar statements in the labeling were false and misleading: (Label) "Sep-Tone A High Grade Astringent Intestinal Antiseptic For Medicating the Drinking Water * * * indicated in the treatment of enteritis, Cholera, Typhoid, Colds, coccidiosis, Bronchitis and other bacterial infections," and "Sep-Tone For Poultry Drinking Water"; (circulars) "Sep-Tone will do more towards helping relieve both digestive and respiratory troubles than any other two or three remedies combined. * * * Sep-Tone has apparently done wonders for us in cutting down mortality from colds, bronchitis, mycosis and digestive troubles and helping to keep our birds in tip-top condition"; and (placards) "A high-grade intestinal antiseptic and astringent for poultry drinking water."

DISPOSITION: May 4, 1945. No claimant having appeared, judgment of condemnation was entered and the drug, together with the printed matter, was ordered destroyed.

1648. Misbranding of Diarex, Swinade, Lax-A-Ton, Necor for Swine, and Pine-O-Mist. U. S. v. 20 Cartons of Diarex, 26 Cartons of Swinade, 4 Bottles and 32 Jugs of Lax-A-Ton, 3 Cartons and 1 Package of Necor for Swine, 42 Bottles of Pine-O-Mist, and a quantity of printed matter (and 2 other seizure actions against Diarex, Swinade, Lax-A-Ton, and Pine-O-Mist). Default decrees of condemnation and destruction. (F. D. C. Nos. 15348, 15351, 15355. Sample Nos. 87594-F to 87598-F, incl., 97717-F to 97723-F, incl.)

LIBELS FILED: March 15 and 17, 1945, District of Minnesota and District of South Dakota.

ALLEGED SHIPMENT: Between the approximate dates of October 15 and December 26, 1944, from Bensenville, Ill., by the Central Laboratories.

PRODUCT: 48 cartons of *Diarex*, 30 cartons and 36 cans of *Swinade*, 25 bottles and 32 jugs of *Lax-A-Ton*, 3 cartons and 1 package of *Necor for Swine*, 73 bottles of *Pine-O-Mist*, and quantities of accompanying leaflets at Redwood Falls, Minn., and Labolt and Artesian, S. Dak.

Examination of samples disclosed that the *Diarex* consisted essentially of bismuth subnitrate and subcarbonate, phenyl salicylate, tannic acid, sodium bicarbonate, and calcium and magnesium carbonates; that the *Swinade* consisted essentially of sulfur, iron sulfate, mandrake, strychnine-bearing material, corn meal, hydrated lime, and a magnesium compound; that the *Lax-A-Ton* was an aqueous solution containing, principally, potassium nitrate, potassium chlorate, potassium dichromate, and magnesium sulfate; that the *Necor for Swine* consisted of a gray powder containing, chiefly, magnesium and iron sulfates, small amounts of cobalt and manganese compounds, yeast, phosphate, sodium chloride, calcium carbonate, and nicotine; and that the *Pine-O-Mist* consisted essentially of creosote, guaiacol, camphor, oil of eucalyptus, pine oil, isopropyl alcohol, and water.

NATURE OF CHARGE: *Diarex*, misbranding, Section 502 (a), certain statements on its label and in an accompanying leaflet entitled "Scour Losses Reduced