

DISPOSITION: In accordance with Rule 20 of the Federal Rules of Criminal Procedure, the case was transferred to the Western District of Tennessee for the entry of a plea and sentence. On February 18, 1948, the defendant entered a plea of nolo contendere and received a sentence of 30 days' imprisonment on each of the 2 counts of the information, to run concurrently, and was fined \$100 on each of the 2 counts.

2345. Misbranding of Tou-Ray Health Lamps. U. S. v. 10 Tou-Ray Health Lamps, etc. (F. D. C. No. 23712. Sample No. 73531-H.)

LABEL FILED: September 18, 1947, Northern District of Ohio.

ALLEGED SHIPMENT: On or about February 25, 1947, by the Touraine Co., from Trenton, N. J.

PRODUCT: 10 *Tou-Ray Health Lamps* at Akron, Ohio, together with 130 circulars entitled "Tou-Ray Health Lamp and what it means to you." Examination showed that the devices were floor-type lamps equipped with both the ordinary incandescent bulbs and a source of ultraviolet light.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the circulars were false and misleading, since they represented and suggested that the lamps would be effective to give health, sterilize the air, prevent airborne infections, and clear skin lesions, whereas the lamps would not be effective for such purposes.

DISPOSITION: January 8, 1948. Default decree of condemnation and destruction.

DRUGS FOR VETERINARY USE*

2346. Misbranding of Poultry Pep, Poultry-Ton and Conditioner for Poultry, Chick-Ton, Pheno Nox-Ide-Tabs, and Large Round Worm Powder. U. S. v. Hobbs & Co., Walter C. Hobbs, and Mason B. Hobbs. Pleas of guilty. Fine of \$250 and costs against the defendants jointly. (F. D. C. No. 23213. Sample Nos. 22763-H to 22765-H, incl., 34949-H to 34951-H, incl., 35981-H, 35982-H.)

INFORMATION FILED: December 8, 1947, District of Kansas, against Hobbs & Co., a partnership, Kansas City, Kans., and Walter C. Hobbs and Mason B. Hobbs, members of the partnership.

ALLEGED SHIPMENT: On or about March 14 and April 2 and 6, 1946, from the State of Kansas into the States of Illinois and Missouri.

PRODUCT: Analyses disclosed that the *Poultry Pep* was an aqueous solution containing principally magnesium sulfate, alum, and salt, with smaller amounts of iron, manganese, and chromium compounds; that the *Poultry-Ton and Conditioner for Poultry* was a mixture containing chiefly iron sulfate, copper sulfate, and magnesium sulfate, and smaller amounts of zinc sulfate, and plant-material including nux vomica; that the *Chick-Ton* was a mixture of iron sulfate, copper sulfate, sulfur, sodium bicarbonate, and plant material including nux vomica; that the *Pheno Nox-Ide-Tabs* consisted of a green compressed tablet containing chiefly zinc sulfate, sodium, alum, and boric acid, and a small amount of zinc phenolsulfonate; and that the *Large Round Worm Powder* was a gray powder consisting chiefly of copper sulfate, iron sulfate, and magnesium sulfate, with smaller amounts of quassia, nux vomica, kamala, and areca nut.

LABEL, IN PART: "The Hobbs Gold Bond Poultry Pep," "Gold Bond Poultry-Ton and Conditioner For Poultry," "Judge Hobbs' Gold Bond Chick-Ton," "The Hobbs Pheno Nox-Ide-Tabs," or "Gold Bond Large Round Worm Powder."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the respective labels and in leaflets entitled "Gold Bond Products Used and Sold by the World's Largest Baby Chick Producers," in letters addressed "Dear Poultry Friend" mailed to the consignees of the *Poultry-Ton* and the *Chick-Ton* about two days subsequent to the shipment of the drugs, and in a leaflet entitled "Why Buy Feed for Germs and Worms?" shipped with the *Large Round Worm Powder* were false and misleading, since the articles would not be effective to accomplish the purposes represented and suggested.

The false and misleading representations in the labeling were to the following effect:

*See also No. 2310.