

That the *Poultry Pep* would be efficacious to stimulate poultry; that it would minimize the danger of infection and digestive disorders; that it would be a treatment for diseased conditions of poultry; that it would correct abnormal conditions of fowls; that it would be efficacious as a healing agent for poultry; that it would be beneficial for fowls of all ages; that it would assist in the healing of inflamed parts; and that it would combat disease spreading to other fowls;

That the *Poultry-Ton and Conditioner for Poultry* would be efficacious to combat infestation of large round worms; that it would keep fowls tuned up; that it would assist birds in maintaining vigor and health; that it would be efficacious as a conditioner and would promote thriftiness and appetite; that it would be efficacious in the treatment of chicken pox or sorehead, fowl cholera, typhoid and liver trouble, leukemia, paralysis of poultry, and tracheitis of poultry; that it would rebuild vitality of depleted fowl's system caused by worm infestation; that it would be efficacious to combat infestations; that it would clear the blood stream of impurities; and that it would combat diseases;

That the *Chick-Ton* would be efficacious to control and combat simple bowel disorders; that it would be efficacious as an aid in treating aspergillosis and brooder pneumonia, and in the treatment of coccidiosis; that it would be efficacious to combat the miseries of chicks; that it would be efficacious against worms; that it would be an aid to health; and that it would be a remedy for diarrhea;

That the *Pheno Nox-Ide-Tabs* would be of value in the prevention and treatment of disease conditions of fowls; and,

That the *Large Round Worm Powder* would be an effective treatment for large roundworms, and that it would be efficacious to combat large roundworms, tapeworms, and pinworms, and worms and germs of the intestinal tract of poultry.

Further misbranding, the statements "Copper Sulphate 25%" on the label of the *Poultry-Ton and Conditioner for Poultry* and "Copper Sulphate 38%" on the label of the *Chick-Ton* were false and misleading, since the articles contained less copper sulfate than so represented.

DISPOSITION: January 5, 1948. Pleas of guilty having been entered, the court imposed a fine of \$50 on each of the 5 counts of the information, together with costs, against the defendants jointly.

2347. Misbranding of *Mar-to-Ma Compound Powder*, *Mar-to-Ma Chick Rem*, *Mar-to-Ma Mycro Rem*, and *Mar-to-Ma Broiler Compound Powder*. U. S. v. Thomas H. Speigelmire (T. H. Speigelmire & Son). Plea of nolo contendere. Fine, \$500 on count 1; imposition of sentence suspended on counts 2, 3, and 4, and defendant placed on probation for 2 years. (F. D. C. No. 21483. Sample Nos. 5268-H to 5270-H, incl., 56675-H.)

INFORMATION FILED: June 4, 1947, Middle District of Pennsylvania, against Thomas H. Speigelmire, trading as T. H. Speigelmire & Son, Selinsgrove, Pa.

ALLEGED SHIPMENT: On or about March 19 and April 10, 1946, from the State of Pennsylvania into the States of New Jersey and Massachusetts.

PRODUCER: Analyses disclosed that the *Mar-to-Ma Compound Powder* was a brown powder containing about 13.2 percent anhydrous magnesium sulfate and 4.26 percent phenothiazine, in addition to sodium, manganese, iron, sulfur, sulfate, and carbonates; that the *Mar-to-Ma Chick Rem* was a coarse heterogeneous mixture containing not more than a trace, or no phenothiazine, with epsom salt, acetic acid, or acetates, asafetida, sulfur, sulfates, potassium, and magnesium; that the *Mar-to-Ma Mycro Rem* was a heterogeneous mixture containing about 0.160 percent phenothiazine, 10.7 percent copper sulfate, 14.3 percent magnesium sulfate, and acetic acid, or acetates, asafetida, sulfur, sulfates, potassium, and a greenish-brown organic material; and that the *Mar-to-Ma Broiler Compound Powder* was a heterogeneous mixture containing about 4.36 percent phenothiazine, sodium sulfate, sulfur, magnesium sulfate (epsom salt), charcoal, iron oxide, and tomato peelings, with traces of magnesium compound and yeast.

NATURE OF CHARGE: *Mar-to-Ma Compound Powder*. Misbranding, Section 502 (a), certain statements in the labeling, namely, the label, a letter addressed to the consignee, a booklet, and circulars entitled "Mar-To-Ma Remedies and Feeds," "Feeding Chart," and "Supplement to Feeding Chart," which letter, booklet, and circulars were mailed on the same day that the product was

shipped, were false and misleading, since the statements represented and suggested that the article would be efficacious to develop the reproductive organs of poultry for heavy laying; to produce more eggs from hens and to produce healthy, heavy laying birds; to build health in horses, cows, sheep, pigs, dogs, cats, chickens, poults, turkeys, ducks, geese, foxes, and mink; to exterminate and eliminate worms of all kinds; to build up a good rich blood stream; to regulate and keep the liver and kidneys healthy; to purify the blood and to build a strong healthy body in hens; and, further, that the article would be a preventive and remedy for white and yellow diarrhea, leg weakness, blackhead in turkeys, and coccidiosis in chickens; that it would be efficacious against causes of range paralysis of poultry; and that it would keep dogs well and in good health. The article would not be efficacious for the purposes represented.

Mar-to-Ma Chick Rem. Misbranding, Section 502 (a), certain statements in the above-described labeling were false and misleading, in that they represented and suggested that the article would be efficacious as a preventive of disease in poultry and animals; that it would be efficacious in keeping the bowels of laying hens and turkeys in good condition and in treating farm stock and pigs for disorders of the bowels; that it would be efficacious in the treatment of diarrhea, scours, and similar conditions in animals; that it would be efficacious to create an appetite and enable birds to digest their food; that it would cause birds to develop better; that it would be efficacious in the treatment of coccidiosis and blackhead; that it would be efficacious to produce healthy, heavy laying birds, and to prevent and remedy white and yellow diarrhea; that when used in combination with the *Mar-To-Ma Compound Powder*, it would prevent and remedy leg weakness, blackhead in turkeys, coccidiosis in chickens, toxic poison of the liver, and range paralysis caused by worms; that it would rid birds of worms and prevent enlarged liver; that it would be efficacious to cure coccidiosis and blackhead, and to kill germs, including germs in the bowel; and that it would heal the bowels and would bring birds back to normal health. The article would not be efficacious for such purposes.

Mar-to-Ma Mycro Rem. Misbranding, Section 502 (a), certain statements in the above-described labeling were false and misleading, in that they represented and suggested that the article would be efficacious in the cure, mitigation, and treatment of mycosis, gizzard erosin, and feed and mold poisoning; that it would be efficacious in the treatment of birds which are low in spirit, drag their wings, and have loose bowels, with yellow, greenish-white, and thin "runny" droppings; and that the article would be efficacious to put birds back on the road to health. The article would not be efficacious for such purposes.

Mar-To-Ma Broiler Compound Powder. Misbranding, Section 502 (a), certain statements on the label of the article, and in a leaflet entitled "How to Prevent Coccidiosis, Blackhead, Mycosis * * * and Colds," which leaflet was shipped with the article, were false and misleading, since such statements represented and suggested that the article would be efficacious as an aid in the treatment of disordered bowels; that it would assist in eliminating some of the worms from which poultry and livestock suffer; that it would be efficacious to cause chicks to grow much faster than they would under ordinary conditions; and that it would be efficacious to produce fast growth in turkeys. The article would not be efficacious for such purposes.

DISPOSITION: January 19, 1948. A plea of nolo contendere having been entered, the court imposed a fine of \$500 on count 1 of the information, suspended the imposition of sentence on counts 2, 3, and 4, and placed the defendant on probation for 2 years.

2348. Misbranding of Tone-O-Mor, Mor-O Liquid, and Bro-No-Mor. U. S. v. 6 Packages, etc. (F. D. C. No. 23876. Sample Nos. 87001-H to 87003-H, incl.)

LIBEL FILED: October 29, 1947, Northern District of Iowa.

ALLEGED SHIPMENT: From Minneapolis, Minn., by Hilltop Laboratories. The products were shipped on or about October 24, 1946, and March 8, 1947, and the printed matter was shipped on or about November 7, 1946, and during the month of March 1947.