

DISPOSITION: May 21, 1945. A plea of nolo contendere having been entered, imposition of sentence was suspended for 4 years and the defendant was placed on probation for that period of time.

2542. Misbranding of Dry Clime infrared lamps. U. S. v. 23 * * *. (F. D. C. No. 24711. Sample No. 30585-K.)

LIBEL FILED: April 9, 1948, Southern District of California.

ALLEGED SHIPMENT: On or about February 24 and 26, 1948, by the Dry Clime Lamp Corp., from Greensburg, Ind.

PRODUCT: 23 *Dry Clime infrared lamps* at Los Angeles, Calif., together with 250 circulars entitled "Dry Clime Lamp." Examination showed that the lamps consisted of a stand holding a reflector and an electrical heating unit.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the labeling of the article were false and misleading. These statements represented and suggested that the article would bring a dry desert climate in the bedroom; that it would be effective in the treatment of acute and chronic conditions, colds, coughs, "stuffiness" or sinus headaches, infected sinuses, asthma, bronchial cough and attacks, any respiratory conditions made worse by cold, damp air and benefited by a warm, dry, desert climate, croup attacks, rheumatism, arthritis, neuritis, muscular aches and pains, acute and chronic respiratory conditions, bronchitis, and sinus conditions and sinus pains; that its use would result in easier breathing and more restful sleep; and that the article would clear the nasal passages, relieve congestion, and minimize coughing. The article would not be effective for those purposes.

DISPOSITION: July 2, 1948. The Dry Clime Lamp Corp., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

DRUGS FOR VETERINARY USE

2543. Misbranding of Dr. Schultz Vitalic Egg-Maker, Dr. Hisom Colic Medicine, Dr. Hisom's German Fistula Remedy, Vena-Cide Powder, and Dr. Schultz's Chick Tablets. U. S. v. Picard Pharmacy, Inc. (Venus Wholesale Co., Dr. Hisom Laboratories, and The Chlorine Chemical Co.), and Lawrence J. Doud and Ralph R. Reemts. Pleas of nolo contendere. Fine of \$75 and costs against defendants jointly. (F. D. C. No. 23263. Sample Nos. 20637-H, 68541-H to 68543-H, incl., 68545-H.)

INFORMATION FILED: January 30, 1948, District of Nebraska, against Picard Pharmacy, Inc., trading under the names of the Venus Wholesale Co., Dr. Hisom Laboratories, and The Chlorine Chemical Co., at Geneva, Nebr., and against Lawrence J. Doud, president of the corporation, and Ralph R. Reemts, secretary.

ALLEGED SHIPMENT: On or about February 21, March 12 and 29, and April 7, 1947, from the State of Nebraska into the State of Kansas.

PRODUCT: Analysis disclosed that the *Dr. Schultz Vitalic Egg-Maker* consisted essentially of mineral salts containing 23.23 percent of calcium, 3.40 percent of phosphorus, 2.99 percent of iron, 9.81 percent of sodium chloride, a manganese compound, charcoal, and plant material including nux vomica and quassia; that the *Dr. Hisom Colic Medicine* consisted of an alcoholic solution containing plant extractives, with aconite indicated; that the *Dr. Hisom's German Fistula Remedy* consisted of a solution containing approximately 0.8 gm. arsenic trioxide per 100 cc.; that the *Vena-Cide Powder* consisted of a weak calcium hypochlorite; and that the *Dr. Schultz's Chick Tablets* consisted chiefly of zinc sulphocarbolate, copper sulfate, boric acid, and dextrose.

LABEL, IN PART: (Bag) "Dr. Schultz Vitalic Egg-Maker & General Conditioner * * * Dr. Schultz-Veterinary Laboratories Geneva, Nebr." or (tag) "Dr. Schultz Vitalic Egg-Maker * * * Sole Midwest Distributors Venus Wholesale Co. Geneva, Nebr."; (carton) "Dr. Hisom Colic Medicine * * * Venus Wholesale Co."; (bottle) "Dr. Hisom's German Fistula Remedy * * * Dr. Hisom Laboratories"; (can) "Vena-Cide Powder * * * The Chlorine Chemical Co."; and (can) "Dr. Schultz's Chick Tablets * * * Manufactured for The Venus Wholesale Co."

NATURE OF CHARGE: *Dr. Schultz Vitalic Egg-Maker.* Misbranding, Section 502 (a), certain statements on the label of the article, and in a circular entitled

"Dr. Schultz' Vitalic Egg-Maker" which was enclosed with the article, were false and misleading since the article would not fulfill the promises of benefit suggested and implied. The statements represented and suggested that the article was necessary for the production of eggs; that it was a medicated tonic and conditioner for poultry; that it would keep poultry in a thriving, healthy condition, and would build blood and bone; that it would be effective in producing diuresis and laxation; that it would stimulate the appetite and improve the general tone and condition of poultry; that it would be effective in checking worms and parasites in the intestinal tract of poultry and would prevent losses in poultry; that it would promote quick gains and rapid growth and would be effective in eliminating toxic poisons from clogged systems.

Dr. Hisom Colic Medicine. Misbranding, Section 502 (a), certain statements on the label of the article were false and misleading. The statements represented that the article would be efficacious in the cure, mitigation, and treatment of colic, flatulence, and bloat in horses and cattle, whereas it would not be efficacious for such purposes. Further misbranding, Section 502 (b) (2), the containers of the article bore no label containing a statement of the quantity of the contents; and, Section 502 (e) (2), the article was not designated solely by a name recognized in an official compendium and was fabricated from two or more ingredients, and its containers bore no label containing a statement of the quantity, kind, and proportion of alcohol present in the article.

Dr. Hisom's German Fistula Remedy. Misbranding, Section 502 (a), certain statements on the label of the article which represented and suggested that the article would be efficacious in the cure, mitigation, and treatment of fistulas, were false and misleading since the article would not be efficacious for such purposes; Section 502 (b) (2), the container bore no label containing a statement of the quantity of the contents; and, Section 502 (e) (2), the article was not designated solely by a name recognized in an official compendium and was fabricated from two or more ingredients, and its label failed to bear the name and the quantity and proportion of arsenic present in the article.

Vena-Cide Powder. Misbranding, Section 502 (a), certain statements on the label of the article which represented and suggested that the article would be efficacious in the cure, mitigation, treatment, and prevention of white diarrhea, cholera, and other contagious diseases of chickens, were false and misleading since the article would not be efficacious for such purposes; and, Section 502 (b) (2), the container of the article bore no label containing a statement of the quantity of the contents.

Dr. Schultz's Chick Tablets. Misbranding, Section 502 (a), certain statements on the label of the article, and in a circular entitled "1947 Price List" which was shipped prior to the shipment of the article, were false and misleading since the article would not be effective for the purposes, and would not fulfill the promises of benefit, suggested and implied. The statements represented and suggested that the article when used as directed would be capable of producing an astringent effect upon the intestinal tissue of poultry; that it would be efficacious in the cure, mitigation, and treatment of coccidiosis, fowl typhoid, fowl cholera, and white diarrhea in poultry; that it would be efficacious in the cure, mitigation, and treatment of blackhead in poultry; that it was an intestinal antiseptic; that it would relieve inflammation and would soothe the intestinal tissue; that it would disinfect drinking water; that it would help chicks through critical stages; and that when used in small doses, it would be effective to prevent diseases in poultry, and when used in large doses, it would be effective to cure diseases in poultry.

The information alleged also that the *Dr. Schultz Vitalic Egg-Maker* was misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: March 10, 1948. Pleas of nolo contendere having been entered, the court imposed a fine of \$75 and costs against the defendants jointly.

2544. Misbranding of Miller's Liquid Hog Medicine and Miller's Sul-Pho Tablets. U. S. v. Miller Chemical Co., Inc., and David G. Miller. Pleas of nolo contendere. Fines of \$75 against corporation and \$25 against individual, together with costs. (F. D. C. No. 24226. Sample Nos. 52335-H, 52337-H, 77579-H.)

INFORMATION FILED: August 5, 1948, District of Nebraska, against the Miller Chemical Co., Inc., Omaha, Nebr., and David G. Miller, president of the corporation.