DRUGS FOR VETERINARY USE

3119. Misbranding of Naxet, A. D. N. Crumbles, Anidene Jr., Vi-Tox, and Men-O-Lac. U. S. v. General Poultry Laboratories and George R. Sisson. Pleas of guilty. Fine of $50 against defendants jointly. (F. D. C. No. 28095. Sample Nos. 44568–K to 44570–K, incl., 44580–K, 44582–K.)

INFORMATION FILED: December 1, 1949, District of South Dakota, against General Poultry Laboratories, a partnership, Sioux Falls, S. Dak., and George R. Sisson, a partner in the partnership.

ALLEGED SHIPMENT: On or about February 25 and April 1, 7, and 14, 1949, from the State of South Dakota into the States of Minnesota and Iowa.

PRODUCT: Analysis showed that the *Naxet* consisted essentially of hydrochloric acid, 32.9 grams per 100 milliliters of fish oil, 44.5 grams per 100 milliliters of dilute acetic acid, and other acids calculated as lactic acid in the amount of 2.1 grams per 100 milliliters; that the *A. D. N. Crumbles* consisted of a powder containing essentially plant material, including nux vomica alkaloids such as brucine and strychnine; tobacco alkaloid as nicotine in the amount of .67 percent, potassium iodide in the amount of .33 percent, together with chlorides, sulfates, calcium oxide, iron oxide, salts of sodium and potassium, and aromatics; that the *Anidene Jr.* was a red, aqueous, acid solution containing essentially 35.5 percent dilute acetic acid, 1.28 percent phenol, 1.61 percent mercuric chloride, together with borates, chlorides, sulfates, ammonium salts, zinc salts, sodium compounds, epsom salts, and glycerin; that the *Men-O-Lac* was a green powder containing essentially salts of calcium, sodium, copper, zinc, magnesium, in the form of phenolsulfonates, arsenite, borate, carbonate, sulfate, and coloring material; and that the *Vi-Tox* consisted of an amber, oily liquid containing essentially aromatics, such as oil of eucalyptus, creosote, possibly menthol and thyme, together with .024 percent iodine in a mineral oil base.

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the Vi-Tox failed to bear adequate directions for use since there was no statement in the labeling of any condition, disease, and function of the bodies of poultry for which the article was to be used.

Further misbranding, Section 502 (a), the labeling of the other articles contained statements which were false and misleading since such articles when used as directed would not be efficacious for the purposes represented. The labeling represented and suggested that when used as directed the *Naxet* and the *A. D. N. Crumbles* would be efficacious as a tonic for poultry; that the *Anidene Jr.* would be efficacious in the cure, mitigation, and treatment of bowel disorders of poultry; and that the *Men-O-Lac* would be effective as a mild laxative for poultry.

DISPOSITION: March 22, 1950. Pleas of guilty having been entered, the court imposed a fine of $50 against the defendants jointly.

3120. Misbranding of Sal-Vet Poultry Tonic. U. S. v. 37 Packages * * *. (F. D. C. No. 28977. Sample No. 46799–K.)

LIBEL FILED: April 19, 1950, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 13, 1950, by the Sal-Vet Mfg. Co., from Cleveland, Ohio.

PRODUCT: 37 packages of *Sal-Vet Poultry Tonic* at Uniontown, Pa. Examination showed that the product contained no detectable amounts of vitamins A and D.

LABEL, IN PART: (Package) "Net Weight 3½ lbs. Sal Vet Brand Made With Cod Liver Oil Poultry Tonic."

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statement "Made With Cod Liver Oil Poultry Tonic" was false and misleading since the article was not a tonic for poultry and did not supply vitamins A and D, which are important constituents of cod liver oil from the standpoint of poultry nutrition.

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

DISPOSITION: May 19, 1950. Default decree of condemnation and destruction.

INDEX TO NOTICES OF JUDGMENT D. D. N. J. NOS. 3101 TO 3120

PRODUCTS

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

3121–3140

DRUGS AND DEVICES

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency. Published by direction of the Federal Security Administrator.

PAUL B. DUNBAR, *Commissioner of Food and Drugs.*

WASHINGTON, D. C., *October 12, 1950.*

CONTENTS *

*For presence of a habit-forming narcotic without warning statement, see Nos. 3122-3126; failure to bear a label containing an accurate statement of the quantity of the contents, Nos. 3122-3126; failure to bear a label containing the name and place of business of the manufacturer, packer, or distributor, Nos. 3122, 3124-3126.

904960—50

DRUG REQUIRING CERTIFICATE OR RELEASE, FOR WHICH NONE HAD BEEN ISSUED

3121. Misbranding of penicillin sodium. U. S. v. 696 Cartons, etc. (F. D. C. No. 23191. Sample Nos. 64198–H, 64199–H.)

LIBEL FILED: June 18, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about May 13, 1947, by Barich, Inc., from East Rutherford, N. J.

PRODUCT: 696 cartons, each containing 5 200,000-unit vials, and 9 cartons, each containing 5 500,000-unit vials, of *penicillin sodium* at New York, N. Y.

LABEL, IN PART: (Cartons) "Penicillin Sodium Proctor * * * Proctor Laboratories 475 Fifth Avenue New York 17, U. S. A."

NATURE OF CHARGE: Misbranding, Section 502 (a), the labeling of the article was misleading since it failed to reveal the fact that Proctor Laboratories was not the manufacturer of the article, which fact was material in the light of the unmodified words "Proctor Laboratories" appearing in the labeling; and the label statements "Lot No. 77 * * * Oct–1–48" on the 200,000-unit vials and "Lot No. 90 * * * Oct 1 1948" on the 500,000-unit vials were misleading since they represented and suggested that the article had been certified under such identifying marks in accordance with regulations promulgated by the Federal Security Administrator, whereas the article had not been so certified.

Further misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use; and, Section 502 (l), the article was represented as a drug composed wholly of *penicillin sodium*, a derivative of a kind of penicillin, and it was not from a batch with respect to which a certificate or release had been issued pursuant to the law.

DISPOSITION: June 1, 1950. The Proctor Laboratories having appeared as claimant and subsequently having withdrawn its claim, judgment of condemnation was entered and the court ordered that the product be destroyed.

DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS*

3122. Misbranding of amytal tablets. U. S. v. Cosmopolitan Drug Co. and Charles M. Berman. Pleas of nolo contendere. Fine of $100 and costs against company; fine of $50 against individual. (F. D. C. No. 28103. Sample Nos. 42324–K, 43185–K, 43189–K.)

INFORMATION FILED: January 17, 1950, Northern District of Illinois, against the Cosmopolitan Drug Co., a partnership, Chicago, Ill., and Charles M. Berman, a pharmacist for the partnership.

INTERSTATE SHIPMENT: Between the approximate dates of October 20 and November 17, 1948, from the State of Indiana into the State of Illinois.

ALLEGED VIOLATION: On or about February 17, 18, and 23, 1949, while a number of *amytal tablets* were being held for sale after shipment in interstate commerce, the defendants caused various quantities of the tablets to be repacked and sold without a prescription, which acts of the defendants resulted in the repackaged tablets being misbranded.

*See also No. 3121.