

by impure blood, ailments caused by poor circulation, enlarged heart, cataract, bronchial asthma, appendicitis, weakened run-down condition, sciatic rheumatism, and partial paralysis. The device when used in the manner suggested in its labeling, or in any other manner, would not be effective in the treatment of any of the diseases, or for the purposes, stated in the labeling.

The complaint alleged also that the false and misleading nature of the labeling of the device was aggravated by reason of the fact that the labeling recommended the device for the treatment of various incurable and serious diseases, such as cancer and diabetes, with the leaflet "How to Use the Radiant Ozone Generator For the Best Results at Home" specifically stating: "Do Not Use Medicine in Any Form When Using The Ozone Generator. This Means The Entire Time," whereas, if the device were used as suggested to the exclusion of any medicine, particularly in treating the incurable and serious diseases for which it was recommended, the health of the user would be seriously and permanently impaired, and death, as well as unbearable suffering, may well be the result.

The complaint alleged further that unless restrained, the defendant would continue to introduce and deliver for introduction into interstate commerce the misbranded device.

PRAYER OF COMPLAINT: That the defendant be perpetually enjoined from commission of the acts complained of, and that a preliminary injunction be granted during the pendency of the action.

DISPOSITION: April 19, 1950. The defendant having consented to the entry of a decree, the court issued an order permanently enjoining the defendant from directly or indirectly introducing or delivering for introduction into interstate commerce, the device in question or any similar device which was misbranded within the meaning of the Federal Food, Drug, and Cosmetic Act.

DRUGS FOR VETERINARY USE

3139. Misbranding of Sulfa-Col, Sulfa-Ton, Dia-Ton, Ry-Ton, Ton-It, and Kosa-Ton. U. S. v. Edward O. Sutherland (Kilz-Jerm Laboratory). Plea of guilty. Fine of \$200, plus costs. (F. D. C. No. 29110. Sample Nos. 43203-K to 43208-K, incl.)

INFORMATION FILED: April 27, 1950, Northern District of Ohio, against Edward O. Sutherland, trading as the Kilz-Jerm Laboratory, Toledo, Ohio.

ALLEGED SHIPMENT: Between the approximate dates of December 30, 1947, and October 5, 1948, from the State of Ohio into the State of Michigan.

PRODUCT: Analyses disclosed that the *Sulfa-Col* consisted of approximately 5 percent sulfathiazole in dilute hydrochloric acid; that the *Sulfa-Ton* consisted of approximately 4 percent sulfaguanidine in dilute hydrochloric acid; that the *Dia-Ton* consisted of 3.68 grams of benzalkonium chloride per 100 cc. solution; that the *Ry-Ton* consisted essentially of water, potassium dichromate, creosote, magnesium sulfate, and halogens; that the *Ton-It* consisted of a water solution of copper and iron compounds, with plant extractives and pungent principles, and a small amount of strychnine; and that the *Kosa-Ton* consisted of a red aqueous liquid containing, chiefly, acetic acid and epsom salt.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the labels of the articles were false and misleading since the articles when used as directed would not be efficacious for the purposes represented, and since the *Dia-Ton* was not nonpoisonous. The statements represented and suggested:

That the *Sulfa-Col* when used as directed would be efficacious to relieve the symptoms of coryza (colds) in chickens and turkeys;

That the *Sulfa-Ton* when used as directed would be efficacious to relieve the symptoms of coccidiosis in chickens and turkeys and to control cecal coccidiosis in chickens and turkeys;

That the *Dia-Ton* was nonpoisonous and when used as directed would be efficacious in the treatment of pasting in chickens and turkeys and scours in calves, and in the prevention and treatment of disease in baby chicks, baby poults, grown chickens, turkeys, and rabbits;

That the *Ry-Ton* would be efficacious to relieve in poultry the symptoms of colds and roup and the conditions implied by the abbreviation, "etc.";

That the *Ton-It* would be efficacious in the treatment and prevention of the symptoms of round worms in chickens, chicks, rabbits, and hogs;

That the *Kosa-Ton* would be efficacious in the treatment of the symptoms of coccidiosis in poultry, in the treatment and prevention of disease in chickens, and in the prevention of disease in rabbits.

DISPOSITION: May 1, 1950. A plea of guilty having been entered, the court imposed a fine of \$200 and costs.

**3140. Misbranding of Arnold Eqworm Powder. U. S. v. 66 Jars * * *
(F. D. C. No. 28722. Sample No. 1286-K.)**

LIBEL FILED: February 20, 1950, Southern District of Florida.

ALLEGED SHIPMENT: On or about June 21, 1949, by Arnold Laboratories, from New Castle, Ind.

PRODUCT: 66 1-pound jars of *Arnold Eqworm Powder* at Miami, Fla.

LABEL, IN PART: "Arnold Eqworm Powder Contains: Arsenic Trioxide . . . 2% Powdered Worm Seed . . . 4% Tobacco Powder . . . 5% Powdered Areca Nut . . . 10% Copper Sulfate, Sodium Chloride, Iron Sulfate, Calcium Phosphate."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the labeling of the article were false and misleading since they represented and suggested that the article was effective as a worm powder and was effective to reduce the intestinal infestations of ascarids and strongyles of horses and mules, whereas the article was not effective for such purposes.

DISPOSITION: June 8, 1950. Default decree of forfeiture and destruction.

INDEXES TO NOTICES OF JUDGMENT D. D. N. J. NOS, 3121 to 3140

PRODUCTS

	N. J. No.		N. J. No.
Adhesive bandages-----	3134	Dressings. <i>See</i> Bandages and	
Amytal tablets-----	3122	dressings.	
Angelica root-----	3128	Eqworm Powder, Arnold-----	3140
Arnold Eqworm Powder-----	3140	Folamin-----	3129
Bandages and dressings-----	3134	Foot Balm, Gold-N-Medal-----	3127
Carbrital capsules-----	3123	Gold-N-Medal Foot Balm-----	3127
Chorionic gonadotropin-----	3130-3132	Gonadotropin, chorionic-----	3130-3132
Coltsfoot leaves-----	3128	Injection preparations. <i>See</i> Pa-	
Devices-----	3135, 3136, ¹ 3138	renteral drugs, contaminated.	
Dia-Ton-----	3139	Jalap root-----	3128

¹ (3138) Permanent injunction issued.