

1145. Misbranding of Gold Bond Chexit and Gold Bond Wurmo. U. S. v. 1,986 Cartons, 1,293 Cartons, and 31 Cans of Gold Bond Chexit, and 498 Cartons and 395 Cartons of Gold Bond Wurmo. Decree of condemnation. Products ordered released under bond. (F. D. C. No. 10316. Sample Nos. 8521-F to 8523-F, incl.)

On July 2, 1943, the United States attorney for the District of Minnesota filed a libel against 1,986 8-ounce cartons, 1,293 1-pound cartons, and 31 3-pound cans of Gold Bond Chexit, and 498 7-ounce cartons and 395 15-ounce cartons of Gold Bond Wurmo at South St. Paul, Minn., alleging that the articles had been shipped from on or about August 12, 1942, to May 24, 1943, by the United Farmers Exchange, from Chicago, Ill.; and charging that they were misbranded.

Analysis disclosed that the Gold Bond Chexit was a pink powder consisting essentially of compounds of calcium and iron, potassium iodide, and plant material including strychnine and fenugreek; and that the Gold Bond Wurmo was a tan powder consisting essentially of sulfur, nicotine, strychnine, ground American wormseed, copper sulfate, and iron sulfate.

The Chexit was alleged to be misbranded because of false and misleading statements in its labeling which represented and suggested that the article was effective in checking any disease condition of livestock, as the name "Chexit" implied; that it would be effective to stop or combat scours in calves, pigs, lambs, colts, and kids, and to prevent shrinkage in livestock during shipping; and that it was a regulator, conditioner, and general tonic.

The Wurmo was alleged to be misbranded because of false and misleading statements in its labeling which represented and suggested that the article would be an effective wormer for any species of worms which infest swine.

On September 9, 1943, the United Farmers Exchange, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the products might be released under bond, conditioned that they be relabeled or that they be destroyed. The products were destroyed.

1146. Misbranding of Hawk's Fen-R-Tabs, Mul-Ene, and Inhalant Spray. U. S. v. 1,494 Cans of Hawk's Fen-R-Tabs, 150 Bottles of Hawk's Mul-Ene, and 65 Bottles of Hawk's Inhalant Spray. Decree of condemnation. Products ordered released under bond. (F. D. C. No. 10118. Sample Nos. 3586-F to 3588-F, incl.)

On August 23, 1943, the United States attorney for the District of Kansas filed a libel against 964 cans containing 125 tablets each, 497 cans containing 300 tablets each, and 33 cans containing 500 tablets each of Hawk's Fen-R-Tabs, 67 1-quart bottles and 83 1-pint bottles of Hawk's Mul-Ene, and 17 1-pint bottles and 48 ½-pint bottles of Hawk's Inhalant Spray at Atchison, Kans., alleging that the articles had been shipped within the period from May 23 through October 22, 1942, from Cedar Rapids, Iowa, by the Shores Co.; and charging that they were misbranded. It was also alleged in the libel that booklets entitled "Poultry Profits" were shipped on August 31, 1942, by the Shores Co. from Cedar Rapids, Iowa; and that the booklets accompanied the articles when the articles were introduced into and while they were in interstate commerce.

Analysis disclosed that the Hawk's Fen-R-Tabs consisted essentially of phenolsulfonates of sodium, calcium, and zinc and copper arsenite; that Hawk's Mul-Ene consisted essentially of oil of pine, eucalyptus, thymol, acetic acid, hydrochloric acid, emulsifying material, mineral oil, and a saponifiable oil such as castor oil; and that the Hawk's Inhalant Spray consisted essentially of pine oil, camphor, eucalyptol, phenolic compounds (including creosote), and coloring material.

The articles were alleged to be misbranded in that certain statements in the booklet entitled "Poultry Profits" were false and misleading since such statements, as they related to each article, represented and suggested that the articles constituted appropriate and adequate treatments for the conditions and diseases of poultry enumerated therein, namely, in the case of the Fen-R-Tabs, pasting of the vent, worms, roup, colds, respiratory conditions, cholera, pox, typhoid, and bowel troubles; in the case of the Mul-Ene, coccidiosis, worms, mycosis, trichomoniasis, and blackhead; and in the case of the Inhalant Spray, pasting of the vent, roup, colds, respiratory conditions, and pox, whereas the articles, when used as directed, did not constitute appropriate or adequate treatments for such diseases or conditions of poultry.

On September 3, 1943, the Shores Co., claimant, having admitted that the products were misbranded as alleged in the libel, judgment of condemnation was entered and the products were ordered released under bond, conditioned that they be brought into compliance with the law under the supervision of the Food and Drug Administration. The booklets were destroyed.