

DISPOSITION: October 19, 1945. A plea of guilty having been entered, the court imposed a fine of \$100 on each of the 3 counts, a total fine of \$300, plus costs.

1688. Misbranding of Sep-Tone. U. S. v. Donald D. Dolan (Dolan Laboratories). Plea of nolo contendere. Fine, \$200. (F. D. C. No. 15492. Sample Nos. 72064-F, 89736-F.)

INFORMATION FILED: May 7, 1945, Eastern District of Missouri, against Donald D. Dolan, trading as the Dolan Laboratories, St. Louis, Mo.

ALLEGED SHIPMENT: On or about June 24 and October 6, 1944, from the State of Missouri into the State of Illinois.

PRODUCT: Analysis disclosed that the product consisted essentially of water, with small amounts of potassium dichromate; sodium, zinc, and copper sulfo-carbolates; ammonium chloride, and an iodide.

NATURE OF CHARGE: Misbranding, Section 502 (a), the name of the article, "Sep-Tone," was misleading since it represented and created the impression that the article would be an efficacious treatment for septic conditions in poultry, and that it would improve the tone of poultry. The article would not be efficacious for such purposes.

Further misbranding, Section 502 (a), certain label statements were false and misleading since they represented and suggested that the article would be efficacious in the treatment of septic conditions in poultry and rabbits; that it would be efficacious to improve the tone of poultry; that it would be efficacious in the cure, mitigation, treatment, and prevention of enteritis, mycosis, cholera, typhoid, colds, coccidiosis, bronchitis, and other bacterial infections; that it would be efficacious in the treatment of fowls out of condition; and that, in the dilution recommended, it possessed antiseptic properties. The article would not be efficacious for the purposes claimed, and it was not an antiseptic in the dilution recommended.

DISPOSITION: October 16, 1945. A plea of nolo contendere having been entered, the court imposed a fine of \$100 on each count, a total fine of \$200.

1689. Misbranding of Illinois Special Sheep Medicine and Illinois Sun Rise Concentrate. U. S. v. 50 Bags of Illinois Special Sheep Medicine and 6 Bags of Illinois Sun Rise Concentrate. Consent decree of condemnation. Products ordered released under bond. (F. D. C. No. 15810. Sample Nos. 22522-H, 22523-H.)

LABEL FILED: On or about April 16, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about January 30, 1945, by the Illinois Manufacturing Co. of Quincy, Quincy, Ill.

PRODUCT: 50 100-pound bags of *Illinois Special Sheep Medicine* and 6 100-pound bags of *Illinois Sun Rise Concentrate* at Lancaster, Mo.

Analyses of samples disclosed that the *Sheep Medicine* consisted essentially of mineral constituents, including 37 percent of salt, tobacco dust, limestone, charcoal, iron sulfate, and small amounts of copper and phosphate, and no potassium iodide; and that the *Concentrate* consisted essentially of plant material, including 20 percent of protein, bran, charcoal, calcium carbonate, soda, sugars, iron oxide, copper sulfate, and yeast.

NATURE OF CHARGE: *Sheep Medicine*, misbranding, Section 502 (a), the following statements in the labeling were false and misleading since the article contained no potassium iodide; it would not assist nature in keeping animals healthy; and it was not effective in the prevention or treatment of stomach worms in sheep and goats: (Bag) "Formula * * * Potassium Iodide"; (circular entitled "Illinois Sheep Medicine (Feed as Directed)") "Assist nature in keeping the animal healthy"; "Under ordinary conditions your sheep and goats should not need drenching for stomach worms where Illinois Sheep Medicine is fed regularly"; "Potassium Iodide."

Concentrate, misbranding, Section 502 (a), the following statements in the labeling were false and misleading since the article would not make oats and wheat more digestible; it was not a substitute for sunshine; it would not enable animals to digest and assimilate nutrients in feed that otherwise would be wasted; it would not furnish minerals essential for digestion, promote vitality, or insure faster growth and development and lower feeding costs; and it was not effective in the treatment of coccidiosis: (Circular entitled "Illinois Sun Rise Concentrate Open Formula") "oats and wheat * * * when Sunrise Concentrate is added, becomes more digestible"; "Sunrise Concentrate contains

yeast, which means sunshine added to the feed that goes into the system of the hog—or other animal”; “Sunrise Concentrate if used properly will enable animals to digest and assimilate nutrients in feed that would otherwise be wasted”; “It furnishes * * * the minerals essential for digestion”; “Promotes vitality and insures faster growth and development”; “Lowers feeding costs”; “Coccidiosis yields to fermented mash feeds”; “In case this disorder is affecting the flock feed fermented mash three times a day for a week and then twice a day.”

DISPOSITION: May 28, 1945. The Illinois Manufacturing Co. of Quincy, claimant, having admitted that the products were misbranded, judgment of condemnation was entered and the products were ordered released under bond, conditioned that the *Sheep Medicine* be reprocessed by adding potassium iodide in an amount to comply with the label, and that the circulars relating to both products be destroyed, under the supervision of the Federal Security Agency.

1690. Misbranding of Victor Wheat Germ Oil. U. S. v. 501 Bottles and 28 Jugs of Victor Wheat Germ Oil, and a number of circulars. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 15811. Sample No. 19112-H.)

LABEL FILED: April 13, 1945, Western District of Wisconsin.

ALLEGED SHIPMENT: By the Sunland Manufacturing Co., from Minneapolis, Minn. The product was shipped between the approximate dates of January 9 and March 20, 1945. A portion of the circulars were packed in the shipping containers of the product, and the remainder were shipped separately in January 1945.

PRODUCT: 501 bottles and 28 jugs of *Victor Wheat Germ Oil* at Marshfield, Wis., together with 500 circulars entitled “Sending Shy Breeders to Slaughter is out of Style!” and 100 circulars entitled “Victor Wheat Germ Oil A nutritional aid to breeding stock and poultry.”

Examination of a sample disclosed that the product was a golden amber oil with a wheat-like odor, such as wheat germ oil.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label of the article and in the circulars were false and misleading since they represented and suggested that the article would be effective in preventing or correcting breeding difficulties in the cases of dairy cows, bulls, mares and studs, sows and boars, ewes and rams, foxes, mink, chickens, and turkeys; that it would keep stock in top breeding condition; that use of the article would restore sires to normal productive service; that it would increase the litter average, promote greater hatchability of eggs, and result in healthier birds, calves, foals, and pigs; and that the article would save valuable breeding stock. The article would not be effective in preventing or correcting breeding difficulties in the various species of animals named, and it would not be effective to fulfill the promises of benefit suggested and implied.

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

DISPOSITION: August 14, 1945. The Sunland Manufacturing Co., 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.

1691. Misbranding of Acidox and Germozone. U. S. v. 90 Bottles of Acidox, 125 Bottles of Germozone, and 75 catalogs. Default decree of condemnation and destruction. (F. D. C. No. 15990. Sample Nos. 12802-H, 12803-H.)

LABEL FILED: May 3, 1945, Southern District of Ohio.

ALLEGED SHIPMENT: On or about March 16, 1945, by the George H. Lee Co., from Omaha, Nebr.

PRODUCT: 90 bottles of *Acidox*, 125 bottles of *Germozone*, and 75 catalogs entitled “The Lee Way Poultry Book, 1944,” at Cincinnati, Ohio.

Examination disclosed that the *Acidox* consisted essentially of water, salt, acetic acid, sodium bisulfate, zinc chloride, and a small amount of pyridine; and that the *Germozone* consisted essentially of water, salt, aluminum sulfate, potassium permanganate, and potassium chlorate.

NATURE OF CHARGE: *Acidox*, misbranding, Section 502 (a), certain statements and designs on the bottle labels and in the catalog were false and misleading since they represented and suggested that the article, when used as directed,