

DISPOSITION: April 25, May 14, and June 6, 1947. Default decrees of condemnation and destruction.

2244. Misbranding of Niko Niko-Lene and Gold Medal Niko-Lene. U. S. v. 23 Bottles, etc. (F. D. C. No. 20568. Sample Nos. 35995-H, 35996-H.)

LIBEL FILED: On or about August 2, 1946, Western District of Missouri.

ALLEGED SHIPMENT: On or about June 6, 1946, by Niko Laboratories, from Clay Center, Kans.

PRODUCT: 23 1-pint bottles of *Niko Niko-Lene* and 4 1-quart bottles of *Gold Medal Niko-Lene* at St. Joseph, Mo. Analysis disclosed that the articles consisted essentially of water, with small amounts of sulfates of copper, iron, manganese, aluminum and magnesium, potassium dichromate, and methyl violet.

NATURE OF CHARGE: Misbranding, Section 502 (a), the label designations of the articles, i. e., "Niko Niko-Lene" and "Niko-Lene," were misleading since they suggested and implied that the articles contained nicotine which would be effective in the treatment of large round worms that infest poultry, whereas the articles did not contain nicotine and would not be effective in the treatment of any species of worms which infest poultry. Further misbranding, Section 502 (a), certain statements on the label of the articles were false and misleading since they represented and suggested that the articles would be effective as a flock treatment of diseased conditions of poultry, including those diseased conditions which may cause bloody droppings, and that they would be effective as an intestinal astringent, whereas the articles would not be effective in the treatment of any diseased condition of poultry and would not be effective as an intestinal astringent.

DISPOSITION: March 3, 1947. Niko Laboratories, claimant, having withdrawn its answer to the libel, judgment was entered ordering that the products be destroyed.

2245. Misbranding of Kent-Kaps Garlic Capsules and Kent Pure Garlic Extract. U. S. v. 98 Boxes * * * (and 1 other seizure action). (F. D. C. Nos. 20219, 21007. Sample Nos. 45065-H, 54567-H.)

LIBELS FILED: June 10 and September 24, 1946, Southern District of California and Southern District of Florida.

ALLEGED SHIPMENT: Between the approximate dates of February 6 and March 8, 1946, by Kent Laboratories, Inc., from Wilmette, Ill.

PRODUCT: 98 boxes of *Kent-Kaps Garlic Capsules* at Pasadena, Calif., and 74 bottles of *Kent Pure Garlic Extract* at St. Petersburg, Fla. The *Kent-Kaps Garlic Capsules* consisted of a mixture of castor oil and garlic extract.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the labels were false and misleading. These statements represented and suggested that the *Kent-Kaps Garlic Capsules* would be an effective treatment and preventive for worm infestation in puppies, cats, foxes, mink, and all pets and game; and that the *Kent Pure Garlic Extract* would be effective as a gastric stimulant to help keep dogs and other animals in a healthier condition, as a treatment for diarrhea, and to reduce worm infestation of dogs, cats, foxes, mink, and other small game. The articles would not be effective for the purposes claimed.

DISPOSITION: September 23 and October 29, 1946. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

2246. Misbranding of Foxco Vineland Flock Treatment for Worms. U. S. v. 7 Jugs * * *. (F. D. C. No. 23451. Sample No. 74824-H.)

LIBEL FILED: July 15, 1947, District of New Hampshire.

ALLEGED SHIPMENT: On or about March 11, 1947, by the Fox Co., from Newfield, N. J.

PRODUCT: 7 1-gallon jugs of *Foxco Vineland Flock Treatment for Worms* at Dover, N. H. Analysis showed that the product consisted essentially of a light mineral oil with turpentine.

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statement "Flock Treatment for Worms (*Ascaridia Lineata*)" was false and misleading since it

represented and suggested that the article when used as directed would be effective in the flock treatment of worms (*Ascaridia lineata*) which infest poultry, whereas it would not be effective for such purpose.

DISPOSITION: September 2, 1947. Default decree of condemnation and destruction.

2247. Misbranding of Ful-O-Pep Super Greens. U. S. v. 413 Bags * * * and 50 booklets. (F. D. C. No. 21622. Sample No. 52151-H.)

LABEL FILED: December 24, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about October 23 and 29, 1946, by the Quaker Oats Co., from Cedar Rapids, Iowa.

PRODUCT: 413 100-pound bags of *Ful-O-Pep Super Greens* at Minneapolis, Minn., together with 50 booklets entitled "Save Feed the Ful-O-Pep Way."

LABEL, IN PART: "GUARANTEED ANALYSIS Crude Protein, not less than 19.00 per cent Crude Fat, not less than 4.50 per cent Crude Fibre, not more than 8.00 per cent CARBOHYDRATES Nitrogen-free Extract, not less than 47.00 percent **INGREDIENTS:** Oatmeal, Hominy Feed, Wheat Bran, Wheat Standard Middlings, Barley Feed, Meat Scraps, Soybean Oil Meal, Fish Meal, Liver Meal, Distillers' Dried Grains with Solubles, D-Activated Animal Sterol (Vitamin D), Dried Milk By-Product, Cane Molasses, Dehydrated Alfalfa Meal, Dehydrated Cereal Grasses (from Wheat, Oats, Rye and Barley), Bone Meal 1%, Iodized Salt, 1%."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label of the article and in the booklets were false and misleading since they represented and suggested that the article was effective in the treatment of colds, chickenpox, bronchitis, laryngotracheitis, and round worms in poultry, whereas it was not effective for such purposes.

DISPOSITION: October 27, 1947. The Quaker Oats Company, claimant, having denied that the product was misbranded, but having consented to the entry of a decree in order to avoid the expense of a trial, judgment of condemnation was entered. The product was ordered delivered for the use of a charitable or public institution, and the booklets were ordered destroyed.

2248. Misbranding of Singer's Earth Crust Minerals. U. S. v. 140 Bags * * * and a quantity of printed matter. (F. D. C. No. 15267. Sample No. 23601-H.)

LABEL FILED: February 12, 1945, Western District of Texas.

ALLEGED SHIPMENT: On or about October 17, 1944, from Barrington, Ill., by the Chain of Lakes Duck Farm.

PRODUCT: 140 100-pound bags of *Singer's Earth Crust Minerals* at Nixon, Tex., together with 4,000 circulars entitled "Singer's Earth Crust Minerals" and a placard headed "Livestock and Poultry Raisers." Analysis showed that the product consisted essentially of soil, sand, and small amounts of plant material, with added calcium carbonate, salt, and a phosphate.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label of the article and on the circulars and placard were false and misleading since they represented and suggested that the product would be effective in keeping livestock and poultry healthy; that it would prevent poor digestion, loss of appetite, run-down condition, and diseases in general; that it would be effective in removing any species of worms from the intestines of livestock and poultry; that it would lower mortality; that it would prevent the diseased condition of poultry known as range paralysis; and that its use would save feeding costs. The article would not be effective for such purposes.

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 9, 1947. E. A. Singer, Barrington, Ill., claimant, having consented to the entry of a decree, judgment was entered ordering that the product be released under bond, conditioned upon the destruction or changing and re-printing of the circulars and placard to conform with the law, under the supervision of the Food and Drug Administration.

2249. Misbranding of Security Special Udder Formula. U. S. v. 140 jars, etc. (F. D. C. No. 22738. Sample No. 44385-H.)

LABEL FILED: April 1, 1947, Southern District of California.