

PRODUCT: 2 5-gallon cans, 12 1-gallon jugs, 21 ½-gallon jugs, 28 1-quart bottles, 17 16-ounce bottles, and 65 8-ounce bottles of *Calfundine* at Provo, Utah. Analysis indicated that the product was essentially a solution of calcium polysulfide and iodine.

NATURE OF CHARGE: Misbranding, Section 502 (a), the following label statements were false and misleading since they represented and suggested that the article when used as directed was effective in the prevention and treatment of disease conditions of poultry and animals, whereas the article when used as directed was not effective for such purposes: "Calfundine * * * Directions: Chicks and Poults—Give one teaspoonful in each quart of Drinking Water Growing and Adult Chickens, Turkeys, Hogs, Cattle, Horses, Rabbits, Pigeons, Sheep, Fox, Mink—Give one tablespoonful in each gallon of Drinking Water Growing and Adult Dogs: Mix one-fourth to one-half teaspoonful (depending on age and size of dog) in ground, fresh meat—Give once daily. Wet Mash Treatment: If you have dew drop or continuous automatic water systems, or if poultry or livestock refuse to take it in the drinking water, mix wet mash as follows: Use two tablespoons to a gallon of water. Use this treated water to make a moist, crumbly mash and feed this at least two or three times daily, in amounts that will be eaten in about 5 minutes time. Keep all other feed away when this treatment is given—Give this treatment for at least 12 consecutive days—For Best Results Use Regularly."

DISPOSITION: On June 8, 1949, a motion was filed by the Germ-O-Tone Laboratories, claimant, for dismissal of the libel upon the ground that the libel failed to state a claim upon which the relief prayed for could be granted. On November 25, 1949, the motion to dismiss was heard by the court and denied. Thereafter the claimant filed an answer denying that the product was misbranded, which answer was subsequently withdrawn, and on January 12, 1950, judgment of condemnation was entered and the court ordered that the product be destroyed.

2990. Misbranding of Dr. Martin's Sulfadine, Dr. Martin's Sulfa Du, and Dr. Martin's Avizine. U. S. v. 168 Bottles, etc. (F. D. C. No. 27791. Sample Nos. 53533-K to 53538-K, incl.)

LIBEL FILED: August 26, 1949, Western District of Louisiana.

ALLEGED SHIPMENT: Between the approximate dates of December 21, 1948, and June 9, 1949, by the Hill Poultry Service, from Dallas, Tex.

PRODUCT: 168 bottles of *Dr. Martin's Sulfadine*, 247 bottles of *Dr. Martin's Sulfa Du*, and 473 bottles of *Dr. Martin's Avizine* at Shreveport, La., together with a number of leaflets entitled "Dealer price list February, 1949, Dr. Martin's Poultry Medicines," and a number of booklets entitled "Dr. Martin's Original Hydrochloride Liquid Sulfas."

Analyses of the products indicated that they had approximately the compositions stated on their labels. The bottles of the products ranged in size from 4 ounces to 1 gallon.

LABEL, IN PART: "Dr. Martin's Sulfadine * * * Sulfaguanidine * * * 18 gr. per fl. oz. * * * Directions: Add two tablespoonfuls (one ounce) to each gallon of all drinking water. For severe cases continue treatment for five full days," "Dr. Martin's Sulfa Du * * * Sulfathiazole * * * 22.2 gr. per fl. oz. * * * Directions: Add two tablespoons (1 oz.) to each

gallon of all drinking water. Continue treatment for five days, discontinue three days and repeat only if necessary," and "Dr. Martin's Avizine * * * Sulfamethazine, Sulfathiazole * * * 14.4 gr. per oz. * * * Directions: For preventative measures and general drinking water use add 2 table-spoons to each gal. of drinking water during the first 5 to 7 days."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the bottle labels and in the accompanying leaflets and booklets were false and misleading since the statements represented and suggested that the *Dr. Martin's Sulfadine* when used as directed was effective to control cecal coccidiosis in poultry; that the *Dr. Martin's Sulfa Du* when used as directed was effective to control colds or coryza of fowls and to reduce the severity of attacks of virus infections such as bronchitis, fowlpox, and Newcastle disease; and that the *Dr. Martin's Avizine* was effective to prevent early mortality in baby chicks and deaths from *Salmonella pullorum*, to aid in the control of pullorum disease and other mixed bacterial infections of baby chicks, and to control fowl cholera. The articles when used as directed were not effective for such purposes.

DISPOSITION: October 18, 1949. Default decree of condemnation and destruction.

INDEX TO NOTICES OF JUDGMENT D. D. N. J. NOS. 2971 TO 2990

PRODUCTS

	N. J. No.		N. J. No.
Amphetamine HCL tablets-----	2976	Mineral oil-----	2985
phosphate tablets-----	2972	Ozone Generators, Radiant-----	¹ 2987
Avizine, Dr. Martin's-----	2990	Parenteral drugs -----	2973, 2977-2980
Black Eagle Brand Medicine-----	2975	Philcapco Testans-----	2974
Calcium gluconate-----	2979	Procaine injection-----	2978
Calfundine-----	2989	Radiant Ozone Generators-----	¹ 2987
Chloro-Iodine Colloidal Concentrate-----	2973	Radiodine Ampuls-----	2973
Chorionic gonadotropin-----	2977	Reducing preparation-----	2984
Cosmetic (subject to the drug provisions of the Act)-----	2986	Roll-A-Ray (device)-----	2988
Devices -----	¹ 2987, 2988	Scalp preparation. <i>See</i> Hair and scalp preparation.	
Doctor's Prescription Rx 7-11-----	2986	Seconal sodium capsules-----	2972
Elixir Theratone "B"-----	2981	Slim-O -----	2984
Gonadotropin, chorionic-----	2977	Sulfa Du, Dr. Martin's-----	2990
Hair and scalp preparation-----	2986	Sulfadine, Dr. Martin's-----	2990
Hexital tablets-----	2971	Sulfathiazole lozenges-----	2971
Injection preparations. <i>See</i> Parenteral drugs.		Sulphocol capsules-----	2983
Iriodine Ampuls-----	2973	Surgical dressing-----	2982
Martin's, Dr., Sulfadine, Dr. Martin's Sulfa Du, and Dr. Martin's Avizine-----	2990	Theratone "B," Elixir-----	2981
Millerhaus' Famous Liniment---	2975	Thiosol-----	2979
		Tropiodin Colloidal Iodine-----	2973
		Veterinary preparations-----	2973, 2989, 2990
		Vitamin preparations-----	2980, 2981

¹ (2987) Seizure contested. Contains charge to the jury.

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302
888*

*2994 ✓
EWS*

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]

2991-3000

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., *May 24, 1950.*

CONTENTS*

	Page		Page
Drugs and devices actionable because of failure to bear adequate directions or warning statements.....	622	Drugs and devices actionable because of false and misleading claims.....	626
Drug actionable because of contamination with filth.....	624	Index.....	630

*For omission of, or unsatisfactory, ingredients statements, see No. 2998.

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

2991. Misbranding of Gold-N-Ray Eucalyptus Oil Liniment. U. S. v. Edward N. Golden (Golden Boy Distributing Co.), and Dorothy D. Golden (Dorothy D. Dickstein). Pleas of guilty. Fine of \$500 against each defendant. (F. D. C. No. 25590. Sample No. 19602-K.)

INFORMATION FILED: February 9, 1949, Eastern District of Michigan, against Edward N. Golden, trading and doing business as the Golden Boy Distributing Co., at Detroit, Mich., and against Dorothy D. Golden, also known as Dorothy D. Dickstein, who was associated with Edward N. Golden in the conduct of the business.

ALLEGED SHIPMENT: Between the approximate dates of May 5 and 15, 1948, from the State of Michigan into the State of Ohio.

PRODUCT: Analysis disclosed that the product contained some eucalyptus oil and menthol in a high boiling oil, probably mineral oil.

LABEL, IN PART: "Gold-N-Ray Eucalyptus Oil Liniment * * * The Golden Boy Dist. Co. 85 Walton Street Brooklyn, New York."

NATURE OF CHARGE: Misbranding, Section 502 (a), the statement on the bottle label "Eucalyptus Oil Liniment" was false and misleading. The statement represented and suggested that the article consisted of eucalyptus oil, whereas it consisted of volatile oils, including eucalyptus and peppermint oils, approximately 28 percent, and nonsaponifiable oil such as petroleum oil, approximately 72 percent.

Further misbranding, Section 502 (a), certain statements in accompanying circulars entitled "Gold-N-Ray Eucalyptus Compound" were false and misleading since they represented and suggested that the article was a refined and improved distillate from eucalyptus leaves; that it possessed the power of producing and maintaining health and energy; that it would exhibit miraculous properties; that in vapor form it would cleanse and disinfect the air and banish malaria, yellow fever, and epidemic fever; that it would play an important part in keeping one well; that it was of value in keeping the body sound, sturdy, and safe against infection and many common ailments; that it was a powerful antiseptic; that it would be efficacious in the treatment of asthma and catarrhal conditions; and that it would give beneficial results in cases where stimulation and disinfection were needed. The article was not a refined and improved distillate from eucalyptus leaves but consisted of volatile oils and nonsaponifiable oil, as indicated above; it was not a powerful antiseptic; and it would not fulfill the promises of benefit stated and implied.

Further misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use in the treatment of hay fever, sinus affections, colds, sore throat, asthma, neuritis, arthritis, and rheumatism, which were the diseases, symptoms, and conditions for which the article was intended to be used.

DISPOSITION: On November 21, 1949, the defendants filed a consent for transfer of the case to the Southern District of New York for pleading and sentence. Thereafter, pleas of guilty were entered by the defendant, and on January 24, 1950, the court imposed a fine of \$500 against each defendant.