

5944. Misbranding of hog powder. U. S. * * * v. Old Kentucky Mfg. Co., a corporation. Plea of guilty. Fine, \$50. (F. & D. No. 8216. I. S. Nos. 11521-m, 12751-k.)

On June 19, 1917, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Old Kentucky Mfg. Co., a corporation, Paducah, Ky., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about November 13, 1914, and August 14, 1916, from the State of Kentucky into the States of Kansas and Missouri, respectively, of quantities of an article labeled in part, "B. A. Thomas' Improved Hog Powder," which was misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

(1)

Loss at 100° C. (per cent).....	17.5
Loss on ignition (moisture and carbon dioxid) (per cent)---	29.9
Soluble in water (per cent).....	12.55
Iron as ferric oxid (per cent).....	12.78
Sulphates (SO ₃) (per cent).....	26.44
Calcium as (CaO) calcium oxid (per cent).....	21.28
Magnesium as magnesium oxid (per cent).....	6.67
Chlorin as sodium chlorid (per cent).....	4.45

Water soluble iron salts: None found.

Phosphates and nitrates: Not more than traces.

Alkaloids, mercury, arsenic, antimony: None detected.

Sample is a powder composed essentially of ferric oxid and calcium magnesium and sodium chlorids, sulphates and carbonates.

(2)

Ferric oxid (per cent).....	18.35
Calcium oxid by titration (per cent).....	20.3
Sulphate (per cent).....	25.43
Magnesium oxid (per cent).....	7.58

Aluminum oxid, phosphate, zinc: Not more than trace.

Sodium as sodium chlorid (per cent).....
 13.01 |

Moisture and carbonates, approximately (per cent).....
 15.33 |

Acetates and benzoates: Not more than trace.

Nitrates: Trace.

Diphenylamine test for nitrates: Positive.

Organic matter: Not more than trace.

Sample is a dry powder consisting essentially of a mixture of ferric oxid, together with calcium, magnesium, sodium, carbonates, sulphates, chlorids, and a trace of nitrates.

It was alleged in substance in the information that the article in the shipment on November 13, 1914, was misbranded for the reason that certain statements appearing on the labels of the cartons and included in the booklet accompanying the article falsely and fraudulently represented it to be effective as a remedy and cure for hog cholera; as a preventive of contagious germ diseases, swine plague, and hog cholera; to destroy disease germs in hogs, to kill worms in hogs, and to protect hogs from disease by removing the cause thereof, when, in truth and in fact, it was not; and further, that one pound of the article would cure any case of cholera in hogs, when, in truth and in fact,

neither one pound nor any quantity of said article would cure any case of hog cholera.

It was alleged in substance that the article in the shipment on August 14, 1916, was misbranded for the reason that certain statements appearing on the labels of the pails containing the article and included in the booklet and circular accompanying the article falsely and fraudulently represented it as a remedy and cure for cholera in hogs and as a preventive of the same, whereas, in truth and in fact, it was not.

On November 19, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

C. F. MARVIN, *Acting Secretary of Agriculture.*