

in baby chicks; effective as an intestinal antiseptic, tonic, and corrective; and effective to increase vitality and give baby chicks added strength.

Misbranding of the Black Head Remedy was alleged in that its labeling bore the following false and fraudulent curative and therapeutic claims: That it was effective as a remedy for blackhead in poultry and as a preventive or treatment of blackhead in turkeys and poultry.

Misbranding of the Flu and Pneumonia Tablets was alleged in that its labeling bore the false and fraudulent curative and therapeutic claim that the product was effective as a treatment, remedy, and cure for flu and pneumonia.

Misbranding of the Scour and Diarrhea Treatment was alleged in that its labeling bore the following false and fraudulent curative and therapeutic claims: That the product was effective as a treatment for scour and diarrhea in livestock; effective as a preventative and cure of diarrhea in young pigs, calves, colts, and baby chicks; effective as a preventative of bowel trouble in mature birds; and effective as an intestinal antiseptic.

Misbranding of the Necrotic Enteritis Treatment was alleged in that its labeling bore the following false and fraudulent curative and therapeutic claims: That the product was effective as a treatment for necrotic enteritis; effective to heal the lesions within the stomach and to disinfect the intestinal tract; and effective as a treatment, remedy, and cure for thornhead worms.

The Nu-Vita Cleaner was alleged to be misbranded in that its labeling bore the following false and fraudulent curative and therapeutic claims: That it was effective as an internal antiseptic and cleanser of the intestinal tract of livestock and poultry, effective to cleanse the genital organs and every vital organ in cattle, to remove every particle of afterbirth, to prevent retention of afterbirth, to eradicate and prevent the spread of disease among the herd and to insure the herd against infection and contagion; to remove the cause responsible for retention of afterbirth, and to clean cows and heifers within 3 hours following calving or aborting; effective to prevent fevered, weakened, emaciated condition of cows and heifers, absorption of disease germs and spread of disease; effective to cause the udders of cows to expand, to insure that cows will calve easily and milk abundantly, and that calves will be strong, vigorous, and healthy; effective to prevent shy breeding and sterility or barrenness caused by Bang's disease; effective to prevent fever, loss of appetite, and invasion of the blood stream by bacteria; effective to prevent failure to breed, sterility, or barrenness, weak calves, emaciated condition of cows, lessened milk production, and vaginal discharges; effective as a treatment for swollen vulva; effective to fit cows to freshen; effective to cleanse every vital organ of poultry, to improve the appetite and aid digestion; effective to produce more eggs, healthier flocks, and quicker growth of poultry; effective in restoring a sickly or run-down flock to health and production, and to stop "losses by fatality"; effective to prevent abortion in cattle; and effective as a tonic for cattle.

On May 9, 1939, the defendant having entered a plea of guilty, the court imposed a fine of \$50 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

80611. Misbranding of Cholax, Pancreatone, and Meth-O-Sol. U. S. v. Two Packages of Cholax (and two similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 43194, 43195, 43196. Sample Nos. 30049-D, 30050-D, 30051-D, 30052-D.)

The labeling of these products bore false and fraudulent curative and therapeutic claims and false and misleading representations regarding their ingredients.

On August 8, 1938, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the district court three libels praying seizure and condemnation of 2 packages of Cholax, 9 bottles of Pancreatone, and 32 bottles of Meth-O-Sol at Wilmington, Del.; alleging that the articles had been shipped in interstate commerce within the period from on or about July 16, 1937, to on or about June 23, 1938, from Philadelphia, Pa., by Crescent-Kelvan Co., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples showed that the Cholax consisted essentially of sodium sulfate, magnesium sulfate, sodium phosphate, sodium bicarbonate, citric and tartaric acid, with not more than a trace, if any, of a lithium compound; the Pancreatone consisted essentially of compounds of arsenic, manganese, and strychnine with pancreas and gentian; the Meth-O-Sol consisted essentially of

camphor, methyl salicylate, capsicum, croton oil, and turpentine incorporated in an ointment base.

The Cholax was alleged to be misbranded in that the statement "Pulvis Effervescens Sodii Phosphatis Comp.," appearing on the carton and label, was false and misleading since it represented that the product was an effervescing preparation of sodium phosphate; whereas it was an effervescing preparation of sodium phosphate, sodium sulfate, and magnesium sulfate. A second allegation of misbranding was that the statement "Containing * * * Lithia," appearing upon the label and in a circular contained in the package, was false and misleading since it represented that the article consisted of lithia; whereas it contained no appreciable amount of, if any, lithia. A third allegation of misbranding was that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Carton) "Indicated in the treatment of Rheumatism, Gout, Uric Acid, Jaundice"; (bottle label) "Anti-Lithic, Anti-Rheumatic, Alterative, * * * For * * * Dizziness and Biliousness * * * as a laxative in Rheumatism, Gout, Jaundice, and affections of the Stomach, Liver and Kidneys"; (circular) "The Sparkling Stomach and Liver Salt * * * Cholax is indicated in the treatment of Rheumatism, Gout, Jaundice, Uric Acid conditions, * * * Nausea from various causes and affections of the stomach, liver and kidneys; in fact wherever a Uric Acid solvent, hepatic, stimulant, toxæmic, eliminant, gastric sedative * * * For its constitutional effect and as a gastric sedative"; and (leaflet) "Acts by stimulating the intestinal secretions necessary to a healthy digestion and regulating the liver, kidneys and the bowels in a natural manner."

The Pancreatone was alleged to be misbranded in that the designation "Pancreatone," appearing on the label, was false and misleading since it represented that the sole physiologically active ingredient of the article was pancreatin; whereas it contained other physiologically active ingredients, i. e., compounds of arsenic, manganese, and strychnine with pancreas and gentian. A further allegation of misbranding was that the label statements "Diabetes Mellitus" and "For diabetes mellitus, and all diseases of pancreatic origin" were statements regarding the curative or therapeutic effect of the article, and were false and fraudulent.

The Meth-O-Sol was alleged to be misbranded in that the name "Meth-O-Sol," appearing on the label, was false and misleading since it represented that the article contained methyl salicylate as its only active ingredient; whereas it contained methyl salicylate, camphor, croton oil, and turpentine oil as its active ingredients. A second allegation of misbranding was that the statement "Linimentum Camphoræ Comp.," appearing in an accompanying circular, was false and misleading since it represented that the article was a liniment consisting of camphor as its active ingredient; whereas it was a liniment consisting of camphor, methyl salicylate, capsicum, croton oil, and turpentine oil as its active ingredients. A third allegation of misbranding was that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Carton) "A Local Application For Congestion or Inflammation of the Lungs. Excellent in the Treatment of Pneumonia, Croup, * * * An Efficient Preparation For the alleviation of Rheumatism, Backache, Neuritis, Tonsillitis, and Enlarged Glands"; (label) "Recommended in the treatment of Neuritis, Rheumatism, Pleurisy, Lumbago, Backache, * * * Sciatica, or wherever there is pain"; (circular) "Methosol will be found an effective local application in Backache, Rheumatism, Lumbago, Sciatica, * * * Neuritis, Pleurisy, Incipient Pneumonia, Croup, Hoarseness, Sore Throat * * * relieving pain and stiffness of the muscles and joints."

On September 6, 1938, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30612. Adulteration and misbranding of sutures. U. S. v. 26 Dozen Sutures (and 3 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 44650, 44661, 44807, 44849. Samples Nos. 36527-D, 36528-D, 36530-D, 36547-D, 36548-D, 36549-D, 36878-D, 36879-D, 36904-D, 36905-D, 36906-D.)

This product had been shipped in interstate commerce and remained unsold and in the original packages. At the time of examination it was found to be contaminated with viable micro-organisms.

Between January 10 and February 15, 1939, the United States attorneys for the District of Kansas and the Western District of Oklahoma, acting upon reports by the Secretary of Agriculture, filed in their respective district courts