

29797. Misbranding of Ongman's Egg Producer and Ongman's Bag Healer. U. S. v. The Heinrich Chemical Company of California and Ward S. Ongman. Pleas of guilty. Fine, \$10. (F. & D. No. 42597. Sample Nos. 15022-D, 15023-D.)

The labeling of these products bore false and fraudulent curative and therapeutic claims.

On November 9, 1938, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Heinrich Chemical Company of California, of Oakland, Calif., and Ward S. Ongman, president of said company, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about March 2, 1938, from the State of California into the State of Washington of quantities of Ongman's Egg Producer and Ongman's Bag Healer which were misbranded.

Analysis showed that the Egg Producer consisted essentially of calcium carbonate, a wheat product, calcium phosphate, charcoal, iron compounds, sulfur, a fatty acid, and plant material including gentian root; and that the Bag Healer consisted essentially of oil of turpentine, a small proportion of zinc compound, and a trace of fatty acid incorporated in a petrolatum base.

The Egg Producer was alleged to be misbranded in that certain statements borne on the package, regarding its curative and therapeutic effects, falsely and fraudulently represented that it was effective as a poultry tonic; effective to keep birds in a healthy condition, to act upon the various organs, to greatly stimulate their egg-laying propensities, to help young chicks grow, to cause the digestive and assimilative organs to become more active, to keep the health and vigor of chicks at their best, and to produce rapid growth, effective as a treatment, remedy, and cure for chicken cholera; effective as a disease preventative and to keep the flock in a vigorous condition and enable it to withstand disease; effective to shorten the time of inactivity resulting from molting, and to assist in restoring the vigor and egg-laying propensities of the flock; and effective to maintain the vigor of fowls and thus avoid the onset of pests.

The Bag Healer was alleged to be misbranded in that certain statements in the labeling, regarding its curative and therapeutic effects, falsely and fraudulently represented that it was effective to help heal; effective as a splendid healing agent for swelling; effective in the treatment of inflammation of the udder, mammitis, or bloody milk; and effective in the treatment of hardness in the bag and caked udder and many bag and udder troubles.

On November 15, 1938, pleas of guilty were entered on behalf of the defendants and the court imposed a fine of \$10.

M. L. WILSON, Acting Secretary of Agriculture.

29798. Adulteration and misbranding of Bromo-Ease and Effervescent For Headaches; misbranding of Effervescent Alkaline Tablets. U. S. v. Honoroff Laboratories, Inc., and Fred A. Honoroff. Pleas of nolo contendere. Fine, \$150 and costs. (F. & D. No. 40751. Sample Nos. 34441-C, 68407-C, 9411-D, 21414-D.)

The Bromo-Ease and the Effervescent for Headaches contained less acetanilid than declared, and the labeling of the former bore false and fraudulent curative and therapeutic claims. The container of the Effervescent Alkaline Tablets failed to bear a statement of the quantity or proportion of acetanilid contained in the article and did bear false and fraudulent curative and therapeutic representations.

On October 10, 1938, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Honoroff Laboratories, Inc., Chicago, Ill., and Fred A. Honoroff, president and treasurer of said corporation, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, within the period from on or about May 5, 1937, to on or about March 7, 1938, from the State of Illinois into the States of Indiana and Pennsylvania, of quantities of Bromo-Ease and Effervescent for Headache which were adulterated and misbranded, and of a quantity of Effervescent Alkaline Tablets which were misbranded. The articles were labeled in part, variously: "Better-Brand Bromo-Ease * * * Better Products Co., Owners & Dist. Marion, Ind."; "Better-Brand Effervescent for Headaches, Better Products Co., Owners and Distributors, Marion, Indiana"; "Effervescent Alkaline Tablets * * * Honoroff Laboratories, Chicago, Ill."

Analysis of the Bromo-Ease showed that it contained 6.33 grains of acetanilid per ounce and small proportions of caffeine, citric acid, and sodium bicarbonate.

Analysis of the Effervescent Alkaline Tablets showed that they consisted essentially of sodium bicarbonate, potassium bitartrate, citric acid, acetanilid (1.1 grains per tablet), and acetylsalicylic acid. Analysis of the Effervescent for Headaches showed that it contained not more than 14.24 grains of acetanilid per ounce.

The Bromo-Ease was alleged to be adulterated in that its strength fell below the professed standard under which it was sold, "Each oz. contains 20 grains of acetanilid"; whereas each ounce of the article contained not more than 6.33 grains of acetanilid. It was alleged to be misbranded in that the statement "Each oz. contains 20 grains of acetanilid" was false and misleading since the article contained not more than 6.3 grains of acetanilid per ounce. It was alleged to be misbranded further in that certain statements on the tube container of the article, regarding its curative and therapeutic effects, falsely and fraudulently represented that it was effective as a means of relief from stomach disorders.

The Effervescent for Headaches was alleged to be adulterated in that its strength fell below the professed standard under which it was sold, namely, "Each ounce contains approximately 20 grains acetanilid," since each ounce of the article contained less than the amount declared, samples taken from the two shipments having been found to contain 14.24 grains and 14.91 grains, respectively, of acetanilid. It was alleged to be misbranded in that the statement "Each oz. contains approximately 20 grains of acetanilid" was false and misleading.

The Effervescent Alkaline Tablets were alleged to be misbranded in that the package failed to bear a statement of the quantity and proportion of acetanilid contained in the article. They were alleged to be misbranded further in that certain statements on the card to which the envelopes containing the article were attached falsely and fraudulently represented that they were effective in the treatment of rheumatism.

On November 28, 1938, pleas of nolo contendere were entered on behalf of the defendants, and the court imposed a joint fine of \$150 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

29799. Misbranding of Anti-Firin. U. S. v. Six Cans of Anti-Firin. Default decree of condemnation and destruction. (F. & D. No. 44277. Sample No. 34646-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On November 2, 1938, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six cans of Anti-Firin at Baltimore, Md.; alleging that the article had been shipped in interstate commerce on or about April 25, 1938, by the Marvel Remedies Co. from San Francisco, Calif.; and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of castor oil, methyl salicylate, and a red dye.

The article was alleged to be misbranded in that the can label and a circular shipped with it bore false and fraudulent representations regarding its curative and therapeutic effectiveness in the treatment of fistula, wire cuts, harness sores and wounds, lameness, cracked heels, thrush, bow tendons, splints, big knees, ringbone, sidebone, and warts of horses, caked bag and warts, foxtail, wire cuts, lameness of cows, lameness, mange, minor cuts and wounds, stiffness of dogs, and boils of human beings.

On November 26, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29800. Adulteration of nitrous oxide. U. S. v. 12 Cylinders of Nitrous Oxide (and 5 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 44278 to 44283, inclusive. Sample Nos. 38881-D, 38884-D to 38891-D, inclusive.)

This product fell below the standard prescribed by the United States Pharmacopoeia for nitrous oxide.

On or about November 5, 1938, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 40