

circular entitled "Vitamized Feed News," were false and misleading since they represented and suggested that the article contained substances rich in vitamins; that it possessed properties which were of special value in promoting body metabolism; that it would be efficacious in promoting better digestion and assimilation of other food; that it would help to keep the animal on full feed; that it would help to stimulate the flow of saliva and other important digestive juices; and that it would produce rapid growth, health, and reproduction, promote nutritional balance in cattle, and promote smooth, even flesh and a glossy coat of hair. The article did not contain substances rich in vitamins; it did not possess properties of special value in promoting body metabolism; and the use of the article would not effect the results suggested or implied by the labeling.

*Metabolator for Calves*, misbranding, Section 403 (a), the label statements, "Phosphorus (P) Not Less Than 4.5% Iodine (I) Not Less Than .0625%," were false and misleading since the article contained less phosphorus and iodine than was represented. Further misbranding, Section 403 (a), the name of the article, the label statements, "Vitamized Metabolator \* \* \* (Calf Balancer)," and certain statements in an accompanying circular entitled "Vitamized Feed News," were false and misleading since they represented and suggested that the article contained substances rich in vitamins; that it possessed properties which were of special value in promoting body metabolism; that it would promote nutritional balance; that it would be efficacious in the prevention and cure of scours in calves; and that it would prevent scours due to vitamin A and B deficiencies. The article did not contain substances rich in vitamins; it did not possess properties of special value in promoting body metabolism; and the use of the article would not effect the results suggested or implied by the labeling.

*Metabolator for Swine*, misbranding, Section 403 (a), the label statement, "Iodine (I) Not Less Than .0625%," was false and misleading since the article contained less than .0625 percent of iodine. Further misbranding, Section 403 (a), the name of the article, the label statement, "Vitamized Metabolator For Swine," and certain statements in an accompanying circular entitled "Vitamized Feed News," were false and misleading since they represented and suggested that the article contained substances rich in vitamins; that it possessed properties which were of special value in promoting body metabolism; that it would prevent death losses in hogs, insure against loss in hogs due to any cause, and prevent pigs from developing black and white scours; that it would be efficacious in the prevention and treatment of necro; that it would increase the benefits of home-grown grains, help to improve the health of the stock through better nutrition, increase reproductive ability, insure larger litters of husky pigs, improve the digestibility of feeds, increase the flow of saliva and digestive juices, and cause a better utilization of other food; that it would be efficacious in the prevention of pneumonia, worms, enteritis, and contagious diseases; and that it would increase the milk production of sows. The article did not contain substances rich in vitamins; it did not possess properties of special value in promoting body metabolism; and the use of the article would not effect the results suggested or implied by the labeling.

It was also alleged that another article, Necro Tonic For Swine, was misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1645.

DISPOSITION: June 12, 1945. A plea of nolo contendere having been entered by the defendant, the court imposed a fine of \$400, plus costs.

**8897. Misbranding of alfalfa meal. U. S. v. Elmo O'Rourke (Raffety & O'Rourke). Plea of nolo contendere. Fine, \$50. (F. D. C. No. 8794. Sample Nos. 26481-F, 26482-F.)**

INFORMATION FILED: On or about April 16, 1943, Eastern District of Missouri, against Elmo O'Rourke, trading as Raffety and O'Rourke, Wyatt, Mo.

ALLEGED SHIPMENT: On or about July 8, 1942, from the State of Missouri into the State of Maryland.

LABEL, IN PART: "R and O's 20% [or "17%"] Dehydrated Alfalfa Meal."

NATURE OF CHARGE: Misbranding, Section 403 (a), the label statement on a portion of the product, "Crude Protein, not less than 20.00%," was false and misleading since the portion contained less than 20 percent of crude protein; the label statements on the remainder of the product, "Crude Protein, not less

than 17%" and "Crude Fibre, not more than 27%," were false and misleading since the remainder contained less than 17 percent of crude protein and more than 27 percent of crude fiber.

DISPOSITION: October 11, 1943. The defendant having entered a plea of nolo contendere, the court imposed a fine of \$25 on each of the 2 counts.

**8898. Misbranding of Rex Wheat Germ Oil. U. S. v. 3 Deals and 4 Bottles of Rex Wheat Germ Oil. Default decree of condemnation and destruction. (F. D. C. No. 14648. Sample No. 87389-F.)**

LIBEL FILED: December 15, 1944, in the Northern District of Iowa.

ALLEGED SHIPMENT: On or about July 26 and September 22, 1944, from Fort Worth, Tex., by the Globe Laboratories.

PRODUCT: 3 deals and 4 1-gallon bottles of Rex Wheat Germ Oil at Cedar Rapids, Iowa.

Each of the deals consisted of a carton containing 2 1-quart bottles, 4 1-pint bottles, and 3 4-ounce bottles, together with a manila envelope bearing the notation "To the Manager." The envelope contained various pieces of printed matter discussing the alleged virtues of the article. Examination showed that the product contained a dark brown, oily liquid identical in appearance to wheat germ oil.

LABEL, IN PART: "Rex Wheat Germ Oil \* \* \* VioBin Corporation, Monticello, Illinois."

NATURE OF CHARGE: Misbranding, Section 403 (a), certain statements on the bottle labels of the article, on the manila envelope, and in the printed matter enclosed in the envelope were false and misleading since they represented and suggested that the article would be effective in preventing or correcting breeding difficulties in cattle, pigs, sheep, poultry, dogs, and other animals; that it would be effective in producing a healthy coat and skin in dogs and in curing summer eczema in dogs; that the use of the article would increase the livability of young dogs; that it would keep the dog's coat glossy, soft, and free of dandruff and scale; that it would promote growth of hair and contribute to a dog's general health; that it would be effective in the treatment of itchy, sore, or scaly skin; that it would increase the fertility of hens and the hatchability of eggs; and that it was effective in treating abortion and simple sterility in cows, in bringing calves through to full term in cows with Bang's disease, in treating barrenness in sows, in causing mares to breed, and in producing thriftier livestock. The article would not be effective for the purposes claimed.

It was also alleged to be misbranded under the provisions of the law applicable to drugs, as reported in notices of judgment on drugs and devices, No. 1545.

DISPOSITION: February 19, 1945. No claimant having appeared, judgment of condemnation was entered and the product, together with the envelope and printed matter, was ordered destroyed.

### FISH AND SHELLFISH

**8899. Adulteration of frozen fish fillets. U. S. v. 383 Boxes of Frozen Yellow Tails. Default decree of condemnation and destruction. (F. D. C. No. 15705. Sample No. 6416-H.)**

LIBEL FILED: March 16, 1945, District of New Jersey.

ALLEGED SHIPMENT: On or about November 13, 1944, by the National Frosted Foods Sales Corporation, from New Bedford, Mass.

PRODUCT: 383 boxes of frozen yellowtails at Newark, N. J.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a putrid substance.

DISPOSITION: June 5, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**8900. Adulteration of frozen cod fillets. U. S. v. 425 Boxes of Frozen, Skinless Cod. Default decree of condemnation and destruction. (F. D. C. No. 15626. Sample Nos. 17917-H, 17919-H, 17920-H.)**

LIBEL FILED: March 19, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On February 24, 1945, by the Seattle Fish Co., from Denver, Colo.

PRODUCT: 425 15-pound boxes of frozen cod fillets at Chicago, Ill.