

104. Misbranding of K-K Kold Kill and K-K Konker. U. S. v. 10 Jugs of K-K Kold Kill and 10 Jugs of K-K Konker. Default decrees of condemnation and destruction. (F. D. C. Nos. 810, 811. Sample Nos. 41341-D, 41342-D.)

The labeling of these products bore false and misleading representations regarding their efficacy in the conditions indicated hereinafter.

On August 2, 1939, the United States attorney for the District of Utah filed libels against 10 jugs of K-K Kold Kill and 10 jugs of K-K Konker at Ogden, Utah, alleging that the articles had been shipped in interstate commerce on or about June 2, 1939, by Overpach Hatchery [Overpack's Hatchery] from San Leandro, Calif.; and charging that they were misbranded.

Analyses showed that the Kold Kill consisted essentially of small proportions of compounds of copper and iron, sulfuric and citric acid, and water; and that the Konker consisted essentially of acetic acid, lactic acid, a small proportion of mineral matter, and water.

The Kold Kill was alleged to be misbranded in that the labeling contained representations that it was an effective preparation for colds, bronchitis, chickenpox, and roup; that 1 teaspoonful should be used to each gallon of drinking water, that this should be kept in front of the birds continually until colds were dried up, and that in severe cases 1½ teaspoonsful should be used to each gallon of drinking water, which representations were false and misleading since the article was not efficacious for the purposes recommended.

The Konker was alleged to be misbranded in that its labeling contained representations that it was efficacious as an adjunct in the treatment of coccidiosis infection in baby chicks and as a treatment to check or control intestinal infection in chicks, pullets, and mature birds; that it would assist in inducing a resistance to coccidiosis infection by producing conditions in the intestines that are beneficial to the health of the birds and detrimental to intestinal parasites; that it was effective as a general conditioner; would stimulate the appetite and bring about better food assimilation; that the baby chicks should be started with Konker when they were 3 or 4 days old in order to check and control coccidiosis infection; that if chicks showed symptoms of coccidiosis infection before treatment or during treatment they should be flushed mildly with Epsom salts for 1 day and then put on a double dose of Konker; that in case of recurrent attacks a double dose should be used each time the attack appears and that in severe cases it should be used for any length of time necessary or until the birds were normal, which statements were false and misleading in that the article was not efficacious for the purposes recommended.

On November 6, 1939, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

105. Misbranding of Moorman's Poultry Worm Sweep. U. S. v. 5 Bottles, et al. of Moorman's Poultry Worm Sweep. Default decree of condemnation and destruction. (F. D. C. No. 687. Sample No. 40888-D.)

The labeling of this product bore false and misleading representations regarding its efficacy in the conditions indicated below.

On October 7, 1939, the United States attorney for the District of Colorado filed a libel against 5 half-pint bottles, 1 pint bottle, 5 quart bottles, and 8 half-gallon bottles of Moorman's Poultry Worm Sweep at Denver, Colo., consigned by Moorman Manufacturing Co., from Quincy, Ill., alleging that the article had been shipped in interstate commerce on or about June 27, 1938; and charging that it was misbranded.

Analysis showed that it consisted essentially of a water solution of nicotine sulfate (4.7 percent) and copper sulfate (6.7 percent), with small amounts of arsenic and chlorides.

It was alleged to be misbranded in that its labeling contained representations that it was efficacious for roundworms and ceca worms; that in the case of roundworms the poultry would begin to pass worms in 4 hours after treatment, and would probably continue to do so for 3 days; that although at least 75 percent of all poultry have some ceca worms, the manufacturer did not recommend giving the treatment except in cases of unusually heavy infestation; that in treating for ceca worms the user should wait for 5 to 10 days after treatment for roundworms, and then give the treatment; that the treatment should not be given to turkeys weighing less than 2 to 2½ pounds; that the dose for turkeys for mouth treatment was as follows: 2½ to 4 pounds, ¼ ounce; 4 to 8 pounds, ⅓ ounce; and 8 pounds, ½ ounce; and that for each

additional 8 pounds the dose should be increased $\frac{1}{2}$ ounce; that in the vent treatment for turkeys there should be at least 10 days between the 2 treatments, and that the 10 to 1 solution should be used but that one-third as much as recommended in the table should be given; and that the article was as safe as well as a sure worm expeller, which representations were false and misleading since the article was not efficacious for the purposes recommended.

On December 20, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS IN DECEPTIVE CONTAINERS*

106. Misbranding of quinine sulfate. U. S. v. 8 Dozen Bottles of Quinine Sulfate. Default decree of condemnation and destruction. (F. D. C. No. 630. Sample No. 65983-D.)

The containers of this product were deceptive, since the contents occupied approximately one-half of the available space in the bottle. Moreover, the bottles contained less than one-thirtieth of an ounce, the amount declared on the label.

On or about October 2, 1939, the United States attorney for the Northern District of Florida filed a libel against 8 dozen bottles of quinine sulfate at Tallahassee, Fla., alleging that the product had been shipped in interstate commerce on or about August 28, 1939, by South Georgia Manufacturing Co. from Blakely, Ga.; and charging that it was misbranded.

Misbranding was alleged in that the statement on the label, " $\frac{1}{30}$ of an ounce," was false and misleading when applied to an article that was short weight. It was alleged to be misbranded further in that its container was so filled as to be misleading.

On December 19, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

107. Misbranding of salicylic acid. U. S. v. 324 Packages of Salicylic Acid. Default decree of condemnation and destruction. (F. D. C. No. 1059. Sample No. 75531-D.)

The containers of this product were filled to slightly less than half their capacity. Weighings of the contents showed shortages from the declared weight in most of the samples examined.

On December 1, 1939, the United States attorney for the Eastern District of Kentucky filed a libel against 324 packages of salicylic acid at Stanford, Ky., alleging that the article had been shipped in interstate commerce on or about August 17, 1939, by the Cumberland Manufacturing Co. from Nashville, Tenn.; and charging that it was misbranded.

It was alleged to be misbranded in that the representation on the labeling that the packages contained three-eighths of an ounce was false and misleading since it was not correct. It was alleged to be misbranded further in that its container was so filled as to be misleading.

On January 8, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

108. Misbranding of Eye-Gene Eye Drops. U. S. v. 82 Packages of Eye-Gene Eye Drops. Default decree of condemnation and destruction. (F. D. C. No. 975. Sample No. 47985-D.)

The bottles containing this product occupied only 33.17 percent of the capacity of the carton.

On November 14, 1939, the United States attorney for the District of Maryland filed a libel against 82 packages of Eye-Gene Eye Drops at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about September 29, 1939, by Pearson Pharmacal Co., Inc., from New York, N. Y.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading.

On December 6, 1939, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

109. Misbranding of Locorol. U. S. v. 23 Packages of Locorol. Default decree of condemnation. (F. D. C. No. 919. Sample No. 47982-D.)

The tubes containing this product occupied only 23.8 percent of the volume of the carton.

* See also N. J. Nos. 90, 93, and 94.