

so effective; and (3) in that the labeling failed to bear adequate directions for use, since the directions appearing upon the labeling "2 Tablets about 2 hours after Breakfast and 2 Tablets at bedtime" and "To avoid the 'Laxative Habit' do not take continuously," failed to specify that a laxative should be taken only occasionally when needed.

On August 24, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

838. Misbranding of Ironized Yeast. U. S. v. 500 Cartons of Ironized Yeast. Consent decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 6512. Sample No. 74949-E.)

On December 20, 1941, the United States attorney for the Southern District of New York, filed a libel against 500 Cartons of Ironized Yeast, at New York, N. Y., alleging that the article had been shipped in interstate commerce by the Ironized Yeast Co., Inc., from Atlanta, Ga.; and charging that it was misbranded. The article was labeled in part: "Each tablet contains reduced iron—Iron Peptonized Haemoglobin Vitamin B Concentrate from Yeast Lager Yeast."

The article was alleged to be misbranded in that certain statements in the labeling which represented that it would be efficacious for underweight, thin, run-down, tired and nervous people were false and misleading since they held out the promise and created the impression that consumption of the article as directed would result in gain of weight, increased vigor and appetite, and the disappearance of tiredness and nervousness, whereas the article when used as directed would not increase weight, overcome nervousness, produce vigor, improve the appetite, produce charm and popularity, or otherwise accomplish the results promised, implied, and represented.

On October 26, 1942, the Ironized Yeast Co., Inc., claimant, having withdrawn its amended answer therefore entered and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

839. Misbranding of Old Hickory Ointment. U. S. v. 52 Jars of Old Hickory Ointment. Default decree of condemnation and destruction. (F. D. C. No. 8019. Sample No. 28503-F.)

On July 31, 1942, the United States attorney for the Northern District of Georgia filed a libel against 52 jars of Old Hickory Ointment at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about May 5, 1942, by the Old Hickory Medicine Co., from Chattanooga, Tenn.

Analysis of a sample of the article showed that it consisted essentially of zinc oxide, salicylic acid, calomel, carbolic acid, camphor, menthol, and petrolatum.

The article was alleged to be misbranded in that the following statements on the label: "Acne, Barber's Itch, Tetter, * * * Eczema, Scabies, * * * Dandruff, Psoriasis, Itching Piles," were false and misleading since they represented and suggested that the article would be effective in the treatment of such conditions, whereas it would not be so effective. It was alleged to be misbranded further in that its label failed to bear a statement of the quantity or proportion of calomel, a mercury derivative, present in the article.

On September 22, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS FOR VETERINARY USE

840. Misbranding of Eby's Chicken Medicine and Eby's Swine Medicine. U. S. v. Frank D. Eby (Eby Remedy Co.). Plea of guilty. Fine, \$150 and costs. (F. D. C. No. 5580. Sample Nos. 76759-E, 76760-E, 76930-E.)

On September 22, 1942, the United States attorney for the Northern District of Iowa filed an information against Frank D. Eby, trading as Eby Remedy Co., at Marengo, Iowa, alleging shipment on or about December 3, 1941, and January 29, 1942, from the State of Iowa into the State of South Dakota of quantities of Eby's Chicken Medicine and Eby's Swine Medicine which were misbranded.

Analysis of one sample of the Chicken Medicine showed that it consisted essentially of volatile oils including eucalyptol and phenolic compounds, small proportions of benzoic acid, and iodine. Analysis of a second sample showed that it consisted essentially of phenolic and camphoraceous substances including menthol, eucalyptol, and camphor, and small proportions of benzoic acid, water, and an oil-soluble dye. Analysis of a sample of the Swine Medicine

showed that it consisted essentially of phenolic and camphoraceous substances including camphor, eucalyptol, and menthol, and small proportions of benzoic acid, water, and an oil-soluble dye.

The Chicken Medicine was alleged to be misbranded in that the following statements: "Chicken Medicine * * * Separate worst cases. Clean up. After chickens have gone to roost, spray this remedy on their heads for three nights with a small household fly spray," borne on the label, were false and misleading in that they represented that the article would be an effective treatment for sick chickens, whereas it would not. One shipment of the Chicken Medicine was alleged to be misbranded further in that the statements "For Swine Colds Make six small holes in cap of bottle and sprinkle on bedding * * * This remedy has been used by thousands of farmers for twelve years," borne on the label, were false and misleading in that they represented that the article would be efficacious as a treatment of swine colds, whereas it would not be efficacious for such purpose.

One shipment of the Chicken Medicine was alleged to be misbranded further in that it was in package form and the statement of the quantity of the contents which is required by the act to appear on the label was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

The Swine Medicine was alleged to be misbranded in that the statements "Swine Medicine * * * Clean up. Turn the cap of this bottle over on a board and make six holes with the point of a shingle nail. Replace on bottle and sprinkle on or under bedding. Keep hogs warm and quiet. Keep warm and quiet. Do not disturb if very sick * * * This remedy has been used by thousands of farmers for twelve years," borne on the label, were false and misleading since they represented that the article would be an effective treatment for sick swine, whereas, it would not be effective for such purpose.

On September 22, 1942, the defendant entered a plea of guilty and the court imposed a fine of \$150 and costs.

841. Misbranding of Beebe V-V Vim and Vigor. U. S. v. Beebe Laboratories, Inc. Plea of guilty. Fine, \$100. (F. D. C. No. 7715. Sample No. 76750-E.)

On September 28, 1942, the United States attorney for the District of Minnesota filed an information against the Beebe Laboratories, Inc., St. Paul, Minn., alleging shipment on or about January 19, 1942, from the State of Minnesota into the State of Wisconsin, of a quantity of Beebe V-V Vim and Vigor, which was misbranded.

Analysis of a sample of the article showed that it consisted of plant material containing essentially, kamala, areco nuts, nux vomica, fenugreek, tobacco, oil of anise, and oil chenopodium.

It was alleged to be misbranded in that the statements, "V-V Vim & Vigor * * * As a Tonic * * * A Flock Treatment for Chickens and Turkeys," borne on the label was false and misleading in that they represented and suggested that the article would be efficacious to promote vim and vigor in poultry, would be efficacious as a tonic for poultry, and would be an efficacious flock treatment for diseases of chickens and turkeys, whereas it would not be efficacious for such purposes.

On September 29, 1942, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100.

842. Misbranding of I-O-Tab (Ioteln Tablets). U. S. v. Frank Y. Chuck (Dr. F. Y. Chuck Research Laboratories). Plea of not guilty. Jury trial. Jury unable to reach verdict and discharged. Plea of not guilty withdrawn and plea of nolo contendere entered. Fine, \$100. (F. D. C. No. 2895. Sample No. 13373-E.)

On January 14, 1942, the United States attorney for the Northern District of California filed an information against Frank Y. Chuck, trading as Dr. F. Y. Chuck Research Laboratories, San Francisco, Calif., alleging shipment on or about February 29, 1940, from the State of California into the State of Oregon of a quantity of I-O-Tab (Ioteln Tablets), which were misbranded.

Analysis of a sample of the article showed that the tablets contained 3.44 percent of nicotine and 0.85 percent of iodine, incorporated in a base of feed concentrate containing 24 percent of crude fat, reducing sugars, wheat starch, and tannic acid.

The article was alleged to be misbranded in that statements in the labeling which represented that it would be efficacious in the treatment of fowl suffering