

On December 7, 1942, and January 6, 1943, no claimant having appeared, judgments of condemnation were entered and it was ordered that the lot at Chicago be destroyed and that the lot at St. Louis be sold to the person or corporation offering the highest bid and adopting such safeguards as might be recommended by the Federal Security Agency against use of the product in violation of the law.

DRUGS FOR VETERINARY USE*

1049. Misbranding of Ferro-Tone. U. S. v. Burton H. Corbett (Burton H. Corbett and Co.). Plea of nolo contendere. Fine, \$300. (F. D. C. No. 9613. Sample Nos. 81542-E, 81544-E, 15341-F, 15342-F.)

The labeling of this product bore false and misleading statements in regard to its ingredients and its therapeutic and antiseptic properties. Samples of a portion of the product were short weight.

On May 4, 1943, the United States attorney for the District of Colorado filed an information against Burton H. Corbett, trading as Burton H. Corbett and Co., Denver, Colo., alleging the shipment of a number of cans of Ferro-Tone from the State of Colorado into the States of Nebraska and Wisconsin, on or about January 28 and February 2, 1942, respectively, and into the States of Iowa and Wisconsin on or about November 30, 1942.

Analyses of samples from the January and February shipments disclosed that they consisted essentially of ferrous sulfate and salt, with smaller proportions of powdered charcoal, powdered bone, powdered linseed, iron ferrocyanide, and a trace of sulfur; and that very little, if any, sodium bicarbonate, calcium carbonate, zinc phenolsulfonate, and potassium iodide were present. Analyses of samples from the November shipments disclosed that they consisted essentially of sodium chloride and ferrous sulfate with traces of sulfur and potassium iodide. Charcoal, ferrocyanide, carbonate, zinc, phosphate, and phenolsulfonate were not detected.

The article was alleged to be misbranded (1) in that the name "Ferro-Tone," borne on the label, was misleading since that name suggested and created in the mind of the reader the impression that the article was an iron tonic—that, when fed to livestock as directed it would be efficacious as a tonic in those conditions in which administration of iron to livestock is indicated, whereas it was not an iron tonic and it would not be efficacious as a tonic in those conditions described; and (2) in that the name "Ferro-Tone," the design of a sheep, a cow, a horse, and a hog, and the statements, "For Hogs, Cattle, Sheep and Horses," and "Directions For Cattle, Horses, Mules and Sheep: Thoroughly mix with shovel, hoe or paddle One Pound of Ferro-Tone with fifty pounds of fine or No. 4 Salt. * * * For Hogs and Pigs: Thoroughly mix with shovel, hoe or paddle, one quarter pound of Ferro-Tone with each fifty pounds of swill, wet or dry mash * * *," borne on the label, were false and misleading since the statements and design represented and suggested that the article, when used as directed, would be efficacious as an iron tonic for hogs, pigs, cattle, sheep, horses and mules, whereas it would not be so efficacious when used as directed. It was alleged to be misbranded further (1) in that the statement, "An Iron and Mineral Compound to be added to the regular rations, to supply certain minerals lacking in many feeds," borne on the label, was false and misleading since it represented and suggested that the article, when used as directed, would furnish a significant amount of iron and other minerals, whereas when used as directed, it would not furnish a significant amount of iron or any other mineral with the exception of salt; and (2) in that the statement in its labeling, "Contains: Ferrocyanide of Iron, Iron Sulphate, Sulphur, Phosphate of Lime, Sodium Bicarbonate, Calcium Carbonate, Sodium Chloride, Charcoal, Zinc Phenol-sulphonate, Potassium Iodide, and Oil of Anise," was false and misleading since it represented and suggested and created in the mind of the reader the impression that the article contained appreciable amounts of each of the ingredients named in the statement, whereas it did not contain appreciable amounts of those ingredients, other than iron sulfate and salt; and its labeling failed to reveal the fact that none of the ingredients listed, when used as directed, would be active with the exception of the salt. It was alleged to be misbranded also (1) in that the statement in its labeling, "For Hogs and Pigs: Thoroughly mix * * * one quarter pound of Ferro-Tone with each fifty pounds of swill, wet or dry mash, and continue its use until the desired results are produced," were misleading since it created the impression that use of the article would result

*See also Nos. 1009, 1010.

in improvement in the health and thriftiness of hogs and pigs, whereas the article would not produce such results or any known desired results; and (2) in that certain statements in its labeling which represented and suggested that it contained an appreciable amount of zinc and that, when used as directed, it would act as an antiseptic and astringent because of its content of zinc phenol-sulfonate; that, when used as directed, it contained significant amounts of iron which would correct deficiencies in the rations, feeds, or grazing lands which had caused anemia in animals; that, when used as directed, it would increase the hemoglobin content of the blood; and that it contained a significant amount of iodide and, when used as directed, would be effective in correcting iodine deficiencies such as goiter in animals were false and misleading since it contained an insignificant amount of zinc and iodide, and, when used as directed, would not act as an antiseptic or astringent or accomplish the results claimed.

The November shipments of the article were alleged to be misbranded further in that the statement on the label, "Eight Pounds Net Wt.," was false and misleading since each of the cans containing the article did not contain 8 pounds net weight but contained a materially smaller amount; and in that the article was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On June 11, 1943, the defendant entered a plea of nolo contendere and the court imposed a fine of \$75 on each of the 4 counts, a total fine of \$300.

1050. Misbranding of Mutual Compound. U. S. v. Joseph C. Winslow and Stephen R. Winslow (Mutual Products Co.). Plea of guilty. Fine, \$100. (F. D. C. No. 8752. Sample No. 76895-E.)

On February 6, 1943, the United States attorney for the District of Minnesota filed an information against Joseph C. Winslow and Stephen R. Winslow, trading as the Mutual Products Co., Minneapolis, Minn., alleging shipment on or about March 3, 1942, from the State of Minnesota into the State of Wisconsin of a quantity of a drug known as Mutual Compound which was misbranded.

Analysis of the article showed that it consisted essentially of a mixture of wheat, corn, and oat products, dry milk, small amounts of salt, sugar, reducing sugars, yeast, iodide, calcium, iron, phosphate compounds, anise, and resinous material.

The article was alleged to be misbranded in that the statements appearing in its labeling which represented and suggested that it would help build resistance to colds and worms in pigs; that it would aid in the prevention of ordinary scours; that it would be efficacious in the treatment of scours in calves; that it would tend to free pigs from worms; and that it would prevent disease in chicks and keep them free from worms and reduce death losses among the chicks were false and misleading since the article would not be efficacious for the purposes recommended.

It was also alleged to be misbranded under the provisions of the law applicable to foods as reported in notices of judgment on foods, No. 5688.

On February 6, 1943, the defendants entered a plea of guilty and the court imposed a fine of \$100, which was applicable to both defendants.

INDEX TO NOTICES OF JUDGMENT D. N. J. NOS. 1001-1050

PRODUCTS

	N. J. No.		N. J. No.
Acetanilid, caffeine, and sodium salicylate compound tablets.....	1012	Boro-Oxyquinoline Compound Vaginal Suppositories.....	1014
Akerite Glycerine Alternate.....	1021	Brom-Acet.....	1022
Analgesic Tablets.....	1014	Calomel.....	1023
Antiseptics.....	1014, 1043	Catgut, surgical.....	1016
Aspirin tablets.....	1014	Cel-Bio Mineral Tablets, Nos. 1-12...	1042
Asthma Tea.....	1043	Chu-man-ie's Regular "Triple XXX" Herb and Iron Mensal Medicine...	1007
B-M Cold Caps.....	1003	Cod liver oil.....	1015
B. P. Stomach and Intestinal Corrective.....	1011	tablets.....	1013
Balm and Gilead Herb Tonic.....	1043	Codecol.....	1017
Bandages.....	1032-1037	Cold remedies.....	1003, 1045
Blood and Liver Capsules.....	1043	Colloidal Iodized Sulphur.....	1047
Blood Tonic.....	1043	Colonex Tablets.....	1011
Booth's Balm and Booth's Pills.....	1011	Colusa Natural Oil, Colusa Natural Oil Capsules, Colusa Natural Oil Hemorrhoid Ointment.....	2 1040
Boric acid compound ointments.....	1014		

¹ Prosecution contested.

² Prosecution contested. Contains opinion of the court.