

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.

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¹ Prosecution contested.

² Prosecution contested. Contains opinion of the court.