

The article was alleged to be misbranded (1) in that the label statement, "Olive Vitalizer for Hair and Scalp," was false and misleading as applied to the product, which contained no olive oil and which was not effective as a vitalizer for the hair and the scalp; (2) in that the label statement, "Active Ingredients Bayol, Boric Acid, Capsicum & Solution of Sulphur," was misleading since it created the impression that those ingredients would be effective in vitalizing the hair and scalp, and it failed to reveal the material fact that the product contained mineral oil; and (3) in that it failed to bear a label containing an accurate statement of the quantity of the contents since no statement of the quantity of the contents appeared on its label.

On November 28, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1493. Misbranding of Electric Vital Massager. U. S. v. Holdfast Truss Co. Plea of nolo contendere. Fine, \$250. (F. D. C. No. 14232. Sample No. 71238-F.)**

On January 17, 1945, the United States attorney for the Northern District of California filed an information against the Holdfast Truss Co., a partnership, Oakland, Calif., alleging shipment of a quantity of the above-named product on or about April 14, 1944, from the State of California into the State of Oregon.

The article was an electrical device for massaging and applying heat to the prostate gland. It consisted of a plastic rod about 5 inches long, slightly enlarged and fluted at one end, containing a heating element.

The article was alleged to be misbranded in that certain statements on its label and in an accompanying circular entitled "Electric Vital Massager" were false and misleading since they represented and suggested that the article would be efficacious in the alleviation of pain caused by a disordered prostate gland; that it would produce the regenerative and the vitalizing results implied in the name "Vital Massager"; and that it would be efficacious in the cure, mitigation, treatment, and prevention of frequency of urination, either day or night, pain accompanying urination, urethral discharge, pain in the lower back, fullness or pressure in the rectum, acute susceptibility to worry and anxiety, the inclination to be melancholy, prostatitis, and the effects on the prostate of gonorrhoeal infection, alcoholism, sexual overindulgence, onanism, typhoid fever, smallpox, and similar conditions indicated and suggested by the abbreviation "etc."

On February 9, 1945, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$250.

**DRUGS FOR VETERINARY USE\***

**1494. Misbranding of General Hog Liquid, General Hog Medicine "F," Poultry Tablets, and General Poultry Liquid. U. S. v. General Veterinary Laboratory. Plea of guilty. Fine, \$250 and costs. (F. D. C. No. 12540. Sample Nos. 5679-F to 5681-F, incl., 37846-F.)**

On November 28, 1944, the United States attorney for the District of Nebraska filed an information against the General Veterinary Laboratory, a corporation, at Omaha, Nebr., alleging shipment of quantities of the above-named products between the approximate dates of November 10, 1942, and August 31, 1943, from the State of Nebraska into the States of Illinois and Iowa.

Analysis of a sample of the General Hog Liquid showed that the product was a light red-brown liquid with sediment of the same color. It contained, chiefly, water, sodium hydroxide, small amounts of phosphate and sulfate compounds of calcium, copper, and potassium; arsenic compounds; creosote and oil of Chenopodium; and a minute amount of strychnine (nux vomica indicated). The article was alleged to be misbranded in that certain statements in an accompanying circular entitled "Amazing Liquid Treats Sick, Wormy, Runty Hogs Without Taking Them Off Feed" were false and misleading since they represented and suggested that the article would be efficacious in the cure, mitigation, treatment, and prevention of all species of worms which infest hogs; that it would be efficacious in the prevention and treatment of sick and runty hogs and of disease germs which infest hogs, and in the treatment of necro, flu, and mixed infections; that it would cause bigger litters of pigs, would enable the user to raise every pig and bring pigs along fast and keep them free from worms and disease, would make pigs ready to sell earlier, enable the user to avoid sickness and losses, develop big frames and heavy bones in hogs, and prevent feed waste and low profits; and that it contained two ingredients which were effective wormers when used as directed, together with an ingredient which would promote appetite in sick

\*See also No. 1462.

hogs, an ingredient which was an intestinal and lung antiseptic, an ingredient which would be efficacious for destroying disease germs when used as directed, and an ingredient which would help in the development of big bones and act as a blood purifier, aid digestion, promote appetite, and be valuable in the treatment of necro. The article would not be efficacious for the purposes recommended. It was alleged to be further misbranded (1) in that its label did not bear the common or usual name of each active ingredient, including the quantity and proportion of arsenic and strychnine contained in the article, since the list of ingredients borne on the bottle labels represented that each quart of the article contained 71 grains of arsenic and 0.0266 cc. of strychnine, whereas the article contained a smaller amount of arsenic than was declared, 60 grains of arsenic per quart, and a greater amount of strychnine than declared, 0.10 gram of strychnine per quart; and (2) in that the statements on the bottle label, "Extract of Nux Vomica (giving one quart of medicine 0.0266 cc. of strychnine), Solution of Potassium Arsenite 59.5% (giving one quart of medicine 71 gr. of arsenic)," were false and misleading since each quart of the article contained not more than 60 grains of arsenic and not less than 0.10 gram of strychnine.

Analysis of a sample of the General Hog Medicine "F" showed that the product was a clear, brown liquid with a small amount of black sediment. It contained, chiefly, ammonium chloride and phenol in aqueous solution. The article was alleged to be misbranded because of false and misleading statements on its labels which represented and implied that the article would be efficacious in the cure, mitigation, treatment, and prevention of symptoms of hog "Flu" (swine influenza) and coughs and bronchitis caused by colds.

Analysis of a sample of the Poultry Tablets showed that the product was a red lime-carbonate-coated tablet. It contained, chiefly, plant material and extractives, including a large amount of kamala, a small amount of nicotine, other plant material including a strychnine-bearing drug, and minute amounts of iron and sulfate. The article was alleged to be misbranded in that certain statements on the cans containing the article and in an accompanying circular entitled "Price List General Veterinary Products" were false and misleading since they represented and suggested that the article would be efficacious in the cure, mitigation, treatment, and prevention of roundworms, large tape worms, and pin worms; that it would remove all worms and cause poultry to grow and gain weight as they should; that it would increase egg production and prevent retarded growth, decreased egg profits, and disease resulting from worms in poultry; and that the article was an intestinal antiseptic which would tend to heal the intestines after removal of the worms and heal the avenues of disease infection. The article would not be efficacious for the purposes recommended.

Analysis of a sample of the General Poultry Liquid showed that it was a brown liquid (with light tan sediment) containing, chiefly, water, sodium hydroxide, calcium carbonate, an arsenic compound, small amounts of creosote and oil of Chenopodium, and a minute amount of a potassium compound. The article was alleged to be misbranded in that certain statements in an accompanying circular entitled "Price List General Veterinary Products" were false and misleading since they represented and suggested that the article would be efficacious in the cure, mitigation, treatment, and prevention of digestive and bowel troubles, respiratory diseases, worms, and other poultry troubles; that it would promote an extra degree of poultry health and vigor and make the poultry flock thrifty and profitable; that it would aid digestion and assimilation of food; that it would help build resistance to disease and ward off disease; that it would help keep large round worms out of poultry flocks; that it was a flock treatment which would prevent and successfully treat many common poultry ailments; that it was an intestinal antiseptic and tonic; and that it would be of value as a general treatment for sick birds. The article was not an intestinal antiseptic and tonic, and it would not be efficacious for the purposes recommended. It was alleged to be further misbranded in that the statement on the label, "Ingredients \* \* \* Potassium Iodide," was false and misleading since it did not contain potassium iodide.

On December 19, 1944, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100 on count 1 and \$50 on each of the remaining 3 counts, a total fine of \$250, plus costs.