

misbranded as alleged in the libel and entered a decree condemning the products and ordering their destruction.

1745. Misbranding of Dia-Tabs, Old Reliable Powder, and Ready-to-Use Inhalant Spray. U. S. v. 223 Boxes of Dia-Tabs, 60 Packages of Old Reliable Powder, and 25 Cans of Ready-to-Use Inhalant Spray. Default decrees of condemnation and destruction. (F. D. C. No. 18175. Sample Nos. 22176-H, 23466-H, 35110-H, 35111-H.)

LIBELS FILED: October 17, 1945, Eastern District of Missouri.

ALLEGED SHIPMENT: Between the approximate dates of May 2 and September 5, 1945, from Cleveland, Ohio, by the G. E. Conkey Co.

PRODUCT: 223 boxes of *Dia-Tabs*, 60 packages of *Old Reliable Powder*, and 25 cans of *Ready-to-Use Inhalant Spray* at St. Louis, Mo.

Analyses disclosed that the *Dia-Tabs* contained 43 percent of boric acid, 1.55 percent of a manganese compound, 1.49 percent of an iron compound, small amounts of a reducing sugar, copper sulfate, and zinc, sodium, and calcium phenolsulfonates; that the *Old Reliable Powder* consisted essentially of 73 percent of a copper compound, 1.57 percent of a manganese compound, and small amounts of iron and aluminum compounds; and that the *Inhalant Spray* consisted essentially of 87 percent of mineral oil, with small amounts of pine oil, creosote, and camphor.

NATURE OF CHARGE: *Dia-Tabs*, misbranding, Section 502 (a). The label statement, "Inert Ingredients: * * * Boracic Acid 20%," was misleading as applied to a tablet consisting essentially of 43 percent of boric acid. Certain other label statements were false and misleading since they represented and suggested that the article, when used as directed, would be effective as an intestinal astringent for poultry; and that it would be effective in the treatment of extreme cases of diseases of poultry. The article, when used as directed, would not be effective as an intestinal astringent for poultry, and it would not be effective in the treatment of any disease condition of poultry.

Old Reliable Powder, misbranding, Section 502 (a), certain label statements were false and misleading since they represented and suggested that the article, when used as directed, would be effective in the relief of congestion in the early stages of disease conditions of poultry; and that it would be effective in expelling mucus in the upper respiratory tract of birds. The article would not be effective for such purposes.

Inhalant Spray, misbranding, Section 502 (a), certain label statements were false and misleading since they represented and suggested that the article, when used as directed, alone or in conjunction with the internal use of *Conkey's Old Reliable Powder*, would be effective in combating colds in poultry; and that it would be effective as a soothing aid for the mucous membrane of the upper respiratory tract of poultry. The article would not be effective for such purposes.

DISPOSITION: November 21, 1945. No claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

1746. Misbranding of Save'M. U. S. v. 3 Bottles of Save'M. Default decree of condemnation and destruction. (F. D. C. No. 18230. Sample No. 138-H.)

LIBEL FILED: October 27, 1945, Southern District of Florida.

ALLEGED SHIPMENT: On or about September 22, 1945, by Emmett J. Smith & Daughter, from Nashville, Tenn.

PRODUCT: 3 bottles, each containing 1 gallon, of *Save'M* at St. Petersburg, Fla.

Analysis disclosed that the product contained approximately 99½ percent of water and a small amount of an extract of plant material.

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statement, "Save'M for intestinal ailments in chickens and turkeys," created the false and misleading impression that the article would save chickens and turkeys from intestinal ailments; and that it would be effective in the prevention and treatment of intestinal ailments of chickens and turkeys.

Further misbranding, Section 502 (b) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents, since no statements of quantity of contents appeared on the label; and, Section 502 (e) (2), the label failed to bear the common or usual name of the active ingredients of the article.

DISPOSITION: November 26, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1747. Misbranding of Floxspray, Poultry Inhalant. U. S. v. 13 Bottles of Floxspray, Poultry Inhalant. Default decree of condemnation and destruction. (F. D. C. No. 19213. Sample No. 4624-H.)

LIBEL FILED: February 13, 1946, Eastern District of Pennsylvania.

ALLEGED SHIPMENT: On or about January 14, 1946, by the Fox Co., from Newfield, N. J.

PRODUCT: 3 1-gallon bottles and 10 1-quart bottles of *Floxspray, Poultry Inhalant* at Doylestown, Pa. Examination of a sample showed that the product consisted essentially of mineral oil, with some pine oil, eucalyptus oil, and camphor. The label of the product did not bear a declaration of the quantity of the contents.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain label statements were false and misleading since they represented and suggested that the product would be effective in the treatment and prevention of colds in baby chicks and mature poultry, whereas the article would not be effective for those purposes; and, Section 502 (b) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: March 14, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1748. Misbranding of condensed buttermilk emulsion. U. S. v. 8 Pails, 2 Barrels, and 11 Kegs of Condensed Buttermilk Emulsion, and 3 circulars. Default decree of condemnation and destruction. (F. D. C. No. 18327. Sample No. 19294-H.)

LIBEL FILED: November 5, 1945, Southern District of Iowa.

ALLEGED SHIPMENT: From La Harpe, Ill., by the La Harpe Creamery Co. The product was shipped on or about September 3, 1945, and the circulars were shipped during the summer of 1944.

PRODUCT: 8 50-pound pails, 2 barrels, and 11 kegs of *condensed buttermilk emulsion*, and 3 circulars entitled "C. B. E. the Quick Way to Profit," at Burlington, Iowa.

LABEL, IN PART: "C. B. E. (Condensed Buttermilk Emulsions) Analysis Protein, not less than 9.0% [or "Protein, not less than 11.0%"] * * * Ingredients: Condensed Buttermilk, Whey, Wheat Germ, Cod Liver Oil."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the circulars were false and misleading since they represented and suggested that the article would be effective to insure healthy, profitable poultry, to increase egg production, and to correct or prevent necro in swine. The article would not be effective for those purposes.

It was also alleged to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: January 3, 1946. No claimant having appeared, judgment of condemnation was entered and the product and circulars were ordered destroyed.

1749. Misbranding of Knox-It, Flexo-O Horse Tonic, and Flexo-O Scourene. U. S. v. 502 Cans of Knox-It, 142 Packages of Flexo-O Horse Tonic, and 298 Cans of Flexo-O Scourene. Consent decree of condemnation and destruction. (F. D. C. No. 12892. Sample Nos. 82226-F, 82228-F, 82229-F.)

LIBEL FILED: July 12, 1944, District of New Jersey.

ALLEGED SHIPMENT: On or about April 22 and May 15, 1944, by the Syracuse Pharmacal Co., Inc., from Syracuse, N. Y.

PRODUCT: 502 1-pound cans of *Knox-It*, 142 1¾-pound packages of *Flexo-O Horse Tonic*, and 298 1-pound cans of *Flexo-O Scourene* at Upper Montclair and Singac, N. J.

Analysis showed that the *Knox-It* consisted principally of sulfur, slaked lime, iodides, hexamethylenamine, iodoform, copper sulfate, and plant material including wheat middlings, poke root, and licorice; that the *Flexo-O Horse Tonic* consisted essentially of sodium sulfate, sodium bicarbonate, salt, ferrous