

**1893. Misbranding of Super Gain Chemical Spray. U. S. v. 73 Jugs, 501 Cans, and 12 Drums of Chemical Spray, and 22 Circulars. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 14858. Sample Nos. 87751-F, 87752-F.)**

**LIBEL FILED:** January 2, 1945, District of Minnesota.

**ALLEGED SHIPMENT:** By Maier Chemical Spray, from Valley City, N. Dak. The product was shipped on or about July 24 and 31, 1944, and the circulars were shipped on or about July 27, 1944.

**PRODUCT:** 73 1-gallon jugs, 501 5-gallon cans, and 12 55-gallon drums of *chemical spray* at Sauk Centre, Minn., together with 22 circulars entitled "Super Gain Chemical Spray For Poultry and Livestock."

Examination showed that the product consisted essentially of mineral oil, with small amounts of carbon tetrachloride, nitrobenzene, and a fatty oil.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in the circulars were false and misleading since they represented and suggested that, when used as directed, the article would have value in the prevention and treatment of disease conditions affecting the respiratory tract of poultry and other animals. The article, when used as directed, would not be of value in such conditions.

**DISPOSITION:** June 6, 1946. The Farmers Cooperative Elevator Co., Sauk Centre, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

**1894. Misbranding of "Successful" Medicated Charcoal. U. S. v. 15 Packages of "Successful" Medicated Charcoal. Default decree of condemnation and destruction. (F. D. C. No. 17340. Sample No. 33158-H.)**

**LIBEL FILED:** On or about September 17, 1945, District of Kansas.

**ALLEGED SHIPMENT:** On or about June 19, 1945, by the Des Moines Incubator Co., from Des Moines, Iowa.

**PRODUCT:** 12 5-pound packages, 2 25-pound packages, and 1 10-pound package of "*Successful*" *Medicated Charcoal* at Powhattan, Kans.

Examination showed that the product consisted essentially of charcoal, with approximately 7 percent of calcium carbonate and small proportions of epsom salt and sodium sulfate. The article was also found to be short-weight.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements on the label and in the circular enclosed in the package of the article were false and misleading since they represented and suggested that the article was of therapeutic value in the treatment or prevention of disease conditions of poultry, whereas the article would not be of value for such purposes; and the label statements, "Medicated \* \* \* Contains: Charcoal, Glaubers, White Oak Bark, Epsom total Drugs 100% Charcoal 85%," were false and misleading since they represented and suggested that the article contained therapeutically active medicinal agents which would be of value in the prevention or treatment of disease conditions of poultry, whereas it contained only insignificant proportions of the substances named, other than charcoal, and it would furnish no therapeutically active amount of any ingredient.

Further misbranding, Section 502 (b) (2), the article failed to bear labels containing accurate statements of the quantity of the contents since the contents of the package were less than the amounts stated upon the labels.

**DISPOSITION:** November 2, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1895. Misbranding of poultry remedies. U. S. v. 4 Bottles of Chicken Wormer Medicine, 4 Bottles of Chicken RT Medicine, 10 Cans of Red Ball Poultry Regulator, and a number of booklets. Default decree of condemnation and destruction. (F. D. C. No. 16373. Sample Nos. 20066-H to 20068-H, incl.)**

**LIBEL FILED:** June 15, 1945, Southern District of Iowa.

**ALLEGED SHIPMENT:** By E. A. Dougherty and Sons, from Omaha, Nebr. The products were shipped between the approximate dates of February 19 and May 1, 1945, and the booklets were shipped on or about April 17, 1945.

**PRODUCT:** 4 ½-gallon bottles of *Chicken Wormer Medicine*, 4 ½-gallon bottles of *Chicken RT Medicine*, and 10 10-pound cans of *Red Ball Poultry Regulator*, together with a number of accompanying booklets entitled "Poultry Remedies," at Council Bluffs, Iowa.

Examination disclosed that the *Chicken Wormer Medicine* consisted essentially of water, epsom salt, sodium hydroxide, potassium dichromate, and licorice; that the *Chicken RT Medicine* consisted essentially of water, epsom salt, potassium dichromate, and potassium chlorate; and that the *Red Ball Poultry Regulator* consisted essentially of the carbonate, phosphate, and chloride of calcium and sodium, together with sulfur, protein matter, and minute quantities of iron, copper, and other minerals.

The *Chicken Wormer Medicine* and the *RT Medicine* failed to bear labels containing a statement of the quantity of the contents.

**NATURE OF CHARGE:** *Chicken Wormer Medicine.* Misbranding, Section 502 (a), certain statements in the booklets were false and misleading since they represented and suggested that the article would be effective in eliminating roundworms, cecal worms, gapeworms, and tapeworms from poultry and in preventing the disease condition of poultry known as paralysis, whereas the article would not be effective for such purposes; and, Section 502 (b) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

*Chicken RT Medicine.* Misbranding, Section 502 (a), certain statements in the booklets were false and misleading since they represented and suggested that the article would be effective in the treatment of coccidiosis, white diarrhea, colds, blackhead, leukemia, and diseases caused by worms, whereas the article would not be effective for such purposes; and, Section 502 (b) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

*Red Ball Poultry Regulator.* Misbranding, Section 502 (a), certain statements in the booklets were false and misleading since they represented and suggested that the article would be effective in bringing about normal development of the bones, feathers, muscles, eggs, shells, body, and nerves of poultry; that it would aid in controlling blow outs and pick outs of heavy producers; that it was a tonic and stimulant; and that it would aid in overcoming deficiency diseases. The lack of normal development of bones, feathers, muscles, eggs, shells, body, and nerves of poultry is due to many causes, such as disease and parasitic conditions and lack of feed elements other than the minerals supplied by the article; the article would not be effective in controlling the disease conditions of poultry referred to as pick outs and blow outs of heavy producers; it was not a tonic or stimulant; and it would not be of aid in overcoming deficiency diseases of poultry.

**DISPOSITION:** October 26, 1945. No claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

#### DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ACCURATE STATEMENTS OF THE QUANTITY OF THE CONTENTS\*

**1896. Misbranding of elixir terpin hydrate with codeine. U. S. v. 7½ Dozen Bottles of Elixir Terpin Hydrate with Codeine. Default decree of condemnation and destruction. (F. D. C. No. 17328. Sample Nos. 11029-H, 11041-H.)**

**LIBEL FILED:** August 30, 1945, District of Maine.

**ALLEGED SHIPMENT:** On or about June 13, 1945, by Brewer and Co., Inc., from Worcester, Mass.

**PRODUCT:** 7½ dozen bottles of *elixir terpin hydrate with codeine* at Waterville, Maine. Examination showed that the product was short-volume.

**LABEL, IN PART:** "2 Fluid Ounces Elixir Terpin Hydrate with Codeine."

**NATURE OF CHARGE:** Misbranding, Section 502 (b) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

**DISPOSITION:** October 12, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**1897. Misbranding of mineral oil, and elixir of terpin hydrate and codeine. U. S. v. 376 Dozen Bottles of Lubinol Mineral Oil and 46 Dozen Bottles of Elixir of Terpin Hydrate and Codeine. Consent decree of condemnation. Products ordered released under bond. (F. D. C. No. 17308. Sample Nos. 7604-H, 7605-H.)**

**LIBEL FILED:** August 25, 1945, District of New Jersey.

**ALLEGED SHIPMENT:** Between the approximate dates of March 8 and July 11, 1945, from New York, N. Y., by the Purepac Corporation.

\*See also Nos. 1854, 1866, 1894, 1895.