

**DISPOSITION:** In accordance with Rule 20 of the Federal Rules of Criminal Procedure, the case was transferred to the Western District of Tennessee for the entry of a plea and sentence. On February 18, 1948, the defendant entered a plea of nolo contendere and received a sentence of 30 days' imprisonment on each of the 2 counts of the information, to run concurrently, and was fined \$100 on each of the 2 counts.

**2345. Misbranding of Tou-Ray Health Lamps. U. S. v. 10 Tou-Ray Health Lamps, etc.** (F. D. C. No. 23712. Sample No. 73531-H.)

**LABEL FILED:** September 18, 1947, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about February 25, 1947, by the Touraine Co., from Trenton, N. J.

**PRODUCT:** 10 *Tou-Ray Health Lamps* at Akron, Ohio, together with 130 circulars entitled "Tou-Ray Health Lamp and what it means to you." Examination showed that the devices were floor-type lamps equipped with both the ordinary incandescent bulbs and a source of ultraviolet light.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in the circulars were false and misleading, since they represented and suggested that the lamps would be effective to give health, sterilize the air, prevent airborne infections, and clear skin lesions, whereas the lamps would not be effective for such purposes.

**DISPOSITION:** January 8, 1948. Default decree of condemnation and destruction.

#### DRUGS FOR VETERINARY USE\*

**2346. Misbranding of Poultry Pep, Poultry-Ton and Conditioner for Poultry, Chick-Ton, Pheno Nox-Ide-Tabs, and Large Round Worm Powder. U. S. v. Hobbs & Co., Walter C. Hobbs, and Mason B. Hobbs. Pleas of guilty. Fine of \$250 and costs against the defendants jointly.** (F. D. C. No. 23213. Sample Nos. 22763-H to 22765-H, incl., 34949-H to 34951-H, incl., 35981-H, 35982-H.)

**INFORMATION FILED:** December 8, 1947, District of Kansas, against Hobbs & Co., a partnership, Kansas City, Kans., and Walter C. Hobbs and Mason B. Hobbs, members of the partnership.

**ALLEGED SHIPMENT:** On or about March 14 and April 2 and 6, 1946, from the State of Kansas into the States of Illinois and Missouri.

**PRODUCT:** Analyses disclosed that the *Poultry Pep* was an aqueous solution containing principally magnesium sulfate, alum, and salt, with smaller amounts of iron, manganese, and chromium compounds; that the *Poultry-Ton and Conditioner for Poultry* was a mixture containing chiefly iron sulfate, copper sulfate, and magnesium sulfate, and smaller amounts of zinc sulfate, and plant-material including nux vomica; that the *Chick-Ton* was a mixture of iron sulfate, copper sulfate, sulfur, sodium bicarbonate, and plant material including nux vomica; that the *Pheno Nox-Ide-Tabs* consisted of a green compressed tablet containing chiefly zinc sulfate, sodium, alum, and boric acid, and a small amount of zinc phenolsulfonate; and that the *Large Round Worm Powder* was a gray powder consisting chiefly of copper sulfate, iron sulfate, and magnesium sulfate, with smaller amounts of quassia, nux vomica, kamala, and areca nut.

**LABEL, IN PART:** "The Hobbs Gold Bond Poultry Pep," "Gold Bond Poultry-Ton and Conditioner For Poultry," "Judge Hobbs' Gold Bond Chick-Ton," "The Hobbs Pheno Nox-Ide-Tabs," or "Gold Bond Large Round Worm Powder."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements on the respective labels and in leaflets entitled "Gold Bond Products Used and Sold by the World's Largest Baby Chick Producers," in letters addressed "Dear Poultry Friend" mailed to the consignees of the *Poultry-Ton* and the *Chick-Ton* about two days subsequent to the shipment of the drugs, and in a leaflet entitled "Why Buy Feed for Germs and Worms?" shipped with the *Large Round Worm Powder* were false and misleading, since the articles would not be effective to accomplish the purposes represented and suggested.

The false and misleading representations in the labeling were to the following effect:

\*See also No. 2310.

That the *Poultry Pep* would be efficacious to stimulate poultry; that it would minimize the danger of infection and digestive disorders; that it would be a treatment for diseased conditions of poultry; that it would correct abnormal conditions of fowls; that it would be efficacious as a healing agent for poultry; that it would be beneficial for fowls of all ages; that it would assist in the healing of inflamed parts; and that it would combat disease spreading to other fowls;

That the *Poultry-Ton and Conditioner for Poultry* would be efficacious to combat infestation of large round worms; that it would keep fowls tuned up; that it would assist birds in maintaining vigor and health; that it would be efficacious as a conditioner and would promote thriftiness and appetite; that it would be efficacious in the treatment of chicken pox or sorehead, fowl cholera, typhoid and liver trouble, leukemia, paralysis of poultry, and tracheitis of poultry; that it would rebuild vitality of depleted fowl's system caused by worm infestation; that it would be efficacious to combat infestations; that it would clear the blood stream of impurities; and that it would combat diseases;

That the *Chick-Ton* would be efficacious to control and combat simple bowel disorders; that it would be efficacious as an aid in treating aspergillosis and brooder pneumonia, and in the treatment of coccidiosis; that it would be efficacious to combat the miseries of chicks; that it would be efficacious against worms; that it would be an aid to health; and that it would be a remedy for diarrhea;

That the *Pheno Nox-Ide-Tabs* would be of value in the prevention and treatment of disease conditions of fowls; and,

That the *Large Round Worm Powder* would be an effective treatment for large roundworms, and that it would be efficacious to combat large roundworms, tapeworms, and pinworms, and worms and germs of the intestinal tract of poultry.

Further misbranding, the statements "Copper Sulphate 25%" on the label of the *Poultry-Ton and Conditioner for Poultry* and "Copper Sulphate 38%" on the label of the *Chick-Ton* were false and misleading, since the articles contained less copper sulfate than so represented.

DISPOSITION: January 5, 1948. Pleas of guilty having been entered, the court imposed a fine of \$50 on each of the 5 counts of the information, together with costs, against the defendants jointly.

2347. **Misbranding of Mar-to-Ma Compound Powder, Mar-to-Ma Chick Rem, Mar-to-Ma Mycro Rem, and Mar-to-Ma Broiler Compound Powder.** U. S. v. Thomas H. Speigelmire (T. H. Speigelmire & Son). Plea of nolo contendere. Fine, \$500 on count 1; imposition of sentence suspended on counts 2, 3, and 4, and defendant placed on probation for 2 years. (F. D. C. No. 21483. Sample Nos. 5268-H to 5270-H, incl., 56675-H.)

INFORMATION FILED: June 4, 1947, Middle District of Pennsylvania, against Thomas H. Speigelmire, trading as T. H. Speigelmire & Son, Selinsgrove, Pa.

ALLEGED SHIPMENT: On or about March 19 and April 10, 1946, from the State of Pennsylvania into the States of New Jersey and Massachusetts.

PRODUCER: Analyses disclosed that the *Mar-to-Ma Compound Powder* was a brown powder containing about 13.2 percent anhydrous magnesium sulfate and 4.26 percent phenothiazine, in addition to sodium, manganese, iron, sulfur, sulfate, and carbonates; that the *Mar-to-Ma Chick Rem* was a coarse heterogeneous mixture containing not more than a trace, or no phenothiazine, with epsom salt, acetic acid, or acetates, asafetida, sulfur, sulfates, potassium, and magnesium; that the *Mar-to-Ma Mycro Rem* was a heterogeneous mixture containing about 0.160 percent phenothiazine, 10.7 percent copper sulfate, 14.3 percent magnesium sulfate, and acetic acid, or acetates, asafetida, sulfur, sulfates, potassium, and a greenish-brown organic material; and that the *Mar-to-Ma Broiler Compound Powder* was a heterogeneous mixture containing about 4.36 percent phenothiazine, sodium sulfate, sulfur, magnesium sulfate (epsom salt), charcoal, iron oxide, and tomato peelings, with traces of magnesium compound and yeast.

NATURE OF CHARGE: *Mar-to-Ma Compound Powder*. Misbranding, Section 502 (a), certain statements in the labeling, namely, the label, a letter addressed to the consignee, a booklet, and circulars entitled "Mar-To-Ma Remedies and Feeds," "Feeding Chart," and "Supplement to Feeding Chart," which letter, booklet, and circulars were mailed on the same day that the product was