

2549. Misbranding of Spear Chick-Tabs, Spear Tonic, and Spear Quit-Pick. U. S. v. 26 Bottles, etc. (F. D. C. No. 24713. Sample Nos. 20877-K, 20882-K, 20883-K.)

LIBEL FILED: On or about April 13, 1948, Western District of Missouri.

ALLEGED SHIPMENT: The *Spear Chick-Tabs* were shipped from Cedar Rapids, Iowa, by Barlow, Wright & Shores, Inc., on or about March 1, 1947, and the other products were shipped by the Corn King Co. (successor to Barlow, Wright & Shores, Inc.), from Cedar Rapids, Iowa, on or about November 12, 1947, and February 9, 1948.

PRODUCT: 26 100-tablet bottles of *Spear Chick-Tabs*, 7 1-pound packages and 1 4-pound package of *Spear Tonic*, and 105 jars of *Spear Quit-Pick* at Kansas City, Mo.

LABEL, IN PART: "Spear Chick-Tabs Active Ingredients: Ammonium, Zinc, Iron and Copper Phenolsulfonate. Inert Ingredients: Boric Acid. 20 Grains Each" and "Spear Tonic Nux Vomica (.36 grain Strychnine per lb.), Quassia, Sulphur 1.35%, Mustard, Iron Sulphate, Sodium Carbonate, Capsicum 2% Oyster Shell Flour (Calcium Carbonate) 34%, Sodium Chloride (Salt) ½ of 1%, Charcoal 15%, Oxide of Iron."

NATURE OF CHARGE: *Spear Chick-Tabs*. Misbranding, Section 502 (a), the following label statements were false and misleading, since the article was not effective as an astringent medication, as an astringent, or of any value in the treatment of diarrhea conditions of chickens and turkeys: "An astringent medication to be used in the drinking water for Poultry and Turkeys * * * An Effective Astringent Spear Chick-Tabs are of especial value in the aid of simple diarrhea not caused by infection, in Chickens and Turkeys of all ages. As an Astringent For Baby Chicks and Poults * * * For Pullets and Turkeys * * * For Adult Birds * * *."

Spear Tonic. Misbranding, Section 502 (a), the following label statements were false and misleading, since the article was not effective as a tonic, as a conditioning tonic, as an appetizer, and as an aid in the assimilation of the food of poultry, turkeys, ducks and geese, and was not effective to pep birds up after worming and to build appetite and vitality: "Tonic * * * A Conditioning Tonic and Appetizer for Poultry, Turkeys, Ducks and Geese * * * Spear Tonic peps birds up after worming, builds appetite and vitality * * * will aid in assimilation of the food * * * An Effective Tonic, Appetizer and Conditioner."

Spear Quit-Pick. Misbranding, Section 502 (e) (2), the article was fabricated from two or more ingredients, and its label failed to bear the common or usual name of each active ingredient.

DISPOSITION: July 7, 1948. The sole intervener having consented to the entry of a decree, judgment of condemnation was entered and the products were ordered destroyed.

DRUG ACTIONABLE BECAUSE OF DECEPTIVE PACKAGING

2550. Misbranding of Cocilana Cough-Nips (cough drops). U. S. v. 57 Boxes * * * (F. D. C. No. 24330. Sample No. 8259-K.)

LIBEL FILED: February 5, 1948, District of New Jersey.

ALLEGED SHIPMENT: On or about November 18, 1947, by Cocilana, Inc., from Brooklyn, N. Y.

PRODUCT: 57 boxes, each containing 40 packages, of *Cocilana Cough-Nips* (cough drops) at Newark, N. J.

LABEL, IN PART: (Package) "Cocilana Cough-Nips Original Medicated Net Weight 1⁷/₁₆ Ounces."

NATURE OF CHARGE: Misbranding, Section 502 (i) (1), the container of the article was so filled as to be misleading, since an additional fifteen cough drops could be placed in each package.

DISPOSITION: March 22, 1948. Default decree of condemnation. The product was ordered delivered to charitable institutions.