

PRODUCT: 120 *clinical thermometers* at St. Louis, Mo. Examination of 24 thermometers taken from the shipment showed one which failed to repeat readings, two which failed to meet the test for retreating index, and one with engraved markings wider than the intervening spaces.

LABEL, IN PART: "Colorfast Brand Clinical Thermometers Oral."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the statement which appeared in the labeling of the article "We, as manufacturers, hereby certify that the enclosed clinical thermometer No. _____ has been manufactured in strict accordance with the Clinical Thermometer Commercial Standard No. CS-1-42, Bureau of Standards, Washington, D. C." was false and misleading since the device did not comply with the Bureau of Standards' Commercial Standard No. CS 1-42.

DISPOSITION: May 2, 1951. Default decree of condemnation and destruction.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

DRUGS FOR HUMAN USE*

3434. Misbranding of Brown's powdered goat milk. U. S. v. 607 Cases, etc. (F. D. C. No. 30819. Sample No. 18840-L.)

LABEL FILED: February 26, 1951, Western District of Wisconsin.

ALLEGED SHIPMENT: Between May 12, 1948, and October 16, 1950, from Stillwater, Minn., by Arthur G. Brown and his wife, Mrs. Della T. Brown.

PRODUCT: 1,057 cases, each containing 24 1-pound tins, 15 cases, each containing 12 1-pound tins, and 16 cases, each containing 6 1-pound tins, of *Brown's powdered goat milk* at Menomonie, Wis., in the possession of Mrs. Della T. Brown, together with a number of mimeographed sheets entitled "Brown's Powdered Whole Goat Milk," a number of cards entitled "Brown's Powdered Goat Milk," and a number of mimeographed sheets entitled "Chemical Elements in Goat Milk."

LABEL, IN PART: (Portion) "Brown's Powdered Goat Milk * * * Fortified with Vitamin D₂."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the mimeographed sheets and cards were false and misleading. The statements represented and suggested that the article was effective in the treatment of asthma, hay fever, arthritis, neuritis, stomach ulcers, chronic irregularities, digestive troubles, eczema, and other skin diseases; that it had germicidal properties and was healing to wounds and injured parts; that it was useful for brain building; that it would feed the brain; and that consumption of the article would lead to health, peace, and prosperity. The article was not effective for the purposes stated and implied, and it was not capable of fulfilling the promises of benefit made for it. The article was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: April 16, 1951. Mrs. Della T. Brown, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Federal Security Agency.

*See also Nos. 3432, 3433.