

6764. Misbranding of B. A. Thomas' Improved Hog Powder and Hog Remedy. U. S. * * * v. 63 2-Pound Packages and 5 15-Pound Pails of B. A. Thomas' Improved Hog Powder and 21 5-Pound Bags of B. A. Thomas' Improved Hog Remedy. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9139. I. S. No. 12046-p. S. No. C-927.)

On July 12, 1918, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on August 26, 1918, an amended libel, praying the seizure and condemnation of 63 2-pound packages and 5 15-pound pails of B. A. Thomas' Improved Hog Powder, and 21 5-pound bags of B. A. Thomas' Improved Hog Remedy, remaining unsold in the original unbroken packages at Houma, La., alleging that the articles had been shipped on or about April 18, 1918, by the Old Kentucky Mfg. Co., Paducah, Ky., and transported from the State of Kentucky into the State of Louisiana, and charging misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled in part:

HOG POWDER.

(On packages) "B. A. Thomas' Improved Hog Powder * * * is a safe and effective remedy for diseases of hogs * * * Is a preventive remedy for cholera and swine plague * * * It was during a general epidemic of hog cholera in his county which had spread to his own herd and he first used this remedy with such splendid effect that he did not lose a single hog, although a number were past eating and were apparently in a hopeless condition * * * Proving so successful in his case he continued the use of it as a remedy for cholera, swine plague * * * During the years that have followed it has been subjected to the most severe tests in some of the worst epidemics of hog cholera ever known and wherever used as directed it has proved as equally successful as Mr. Thomas' first experience with it."

(On pails) "B. A. Thomas' Improved Hog Powder * * * To use this remedy as a preventive for cholera * * * Aside from the medicinal properties of this remedy for such diseases as Cholera, Swine Plague * * *."

HOG REMEDY.

(On bags) "B. A. Thomas' Improved Hog Remedy * * * Effective remedy for hog diseases * * * protects from disease by removing the cause * * *"

(On booklet) "B. A. Thomas' Improved Hog Powder a safe remedy and preventive for contagious germ diseases such as cholera, swine plague * * *. If used as directed we positively guarantee one pound of B. A. Thomas' Improved Hog Powder to cure any one case of hog cholera or we will refund your money * * *."

Analyses of samples by the Bureau of Chemistry of this department showed that the articles consisted of iron oxid, lime, and sulphates, carbonates, and chlorids of calcium, magnesium, and sodium.

Misbranding of the articles was alleged in the libel for the reason that the statements borne on the labels of the packages, pails, and bags, and in the booklet accompanying the article, were false and fraudulent in that the product contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for it in the labels and booklet.

On April 23, 1919, the said Old Kentucky Mfg. Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act.

J. R. RIGGS, *Acting Secretary of Agriculture.*