

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, appearing on the carton and tube labels and in a circular shipped with the article, falsely and fraudulently represented that it was effective as an active radium-ointment whereby mild radium therapy is needed to reach and act on the outer surface of the skin, to penetrate through the outer surface and upon the deeper layers, and to penetrate into the underlying tissues, resulting in exceptional and amazingly prompt healing and curative powers in the treatment of piles, hemorrhoids, sores, ulcers, pimples, itch, ringworm, tetter, warts, furunculosis (boils), acute superficial ulcers, skin irritations, wounds, skin infections, lesions, skin troubles, old sores, chronic ulcers, eczema and kindred conditions, any kind of injury or irritation, aggravated sores, many forms of skin trouble, skin eruptions, eruptions due to external causes, surface ulcers, stubborn, aggravating, long standing sores and superficial ulcers, psoriasis, scaly red patches and other skin diseases, ugly skin on legs, and effective to stimulate the natural healing forces that are inherent to all bodily tissues, to break up stagnation, and to bring new life and health to diseased tissues; to stimulate blood circulation, to relieve sluggishness and congestion; to stimulate the reparative processes and build up diseased tissues.

Misbranding was alleged for the further reason that the statements, "Safe, Harmless", borne on the tubes, the statements, "You can apply Adium as often as may be necessary without any harm to the most delicate tissues or any kind of injury or irritation", and "* * * because of its ease of application can be used in the home as safely and as easily as an ordinary salve or ointment", contained in the circulars shipped with the article, were false and misleading, since it contained a quantity of radio-active substances which would render it definitely harmful to health in some instances of use according to the directions contained in the said circular.

On February 3, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$200.

M. L. WILSON, *Acting Secretary of Agriculture.*

22183. Misbranding of Sal-Vet Poultry Tonic. U. S. v. 160 Packages of Sal-Vet Poultry Tonic. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 30115. Sample no. 36086-A.)

Examination of a sample of Sal-Vet Poultry Tonic showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On June 16, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 160 packages of Sal-Vet Poultry Tonic at Denver, Colo., alleging that the article had been shipped in interstate commerce, in various consignments, between the dates of September 28, 1932, and March 24, 1933, and charging misbranding in violation of the Food and Drugs Act as amended. The records show that 18 packages of the product were shipped by the Sal-Vet Co., from Cleveland, Ohio, and that the remaining lots had been originally shipped to various consignees by parties unknown and had been rejected and reshipped to Denver.

Analysis of a sample of the article by this Department showed that it consisted essentially of crushed shells, charcoal, sodium sulphate, magnesium sulphate, iron compounds, sulphur, and small proportions of sodium nitrate, quassia, capsicum, and anise.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the labeling, were false and fraudulent: "A tonic which puts poultry in condition to lay, promotes growth and early moulting * * * the fowls will always take just enough of it and will doctor themselves * * * for eggs, to prevent disease * * * the fowls will doctor themselves * * * for cholera, catarrh, diarrhea, swelled head, etc. Separate the sick fowls, treat singly, using slightly larger doses."

On February 19, 1934, the Sal-Vet Co., Silver Springs, N. Y., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*