

All products were alleged to be misbranded further in that they were drugs and their labels failed to bear the common or usual name of each active ingredient.

On January 14, 1941, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

534. Misbranding of Red-Hed Coxol. U. S. v. 1 Drum and 1 Drum of Red-Hed Coxol. Default decrees of condemnation and destruction. (F. D. C. Nos. 2828, 3836. Sample Nos. 21627-E, 26956-E.)

On September 26, 1940, and February 25, 1941, the United States attorney for the Northern District of California filed libels against 2 50-gallon drums of Red-Hed Coxol at Modesto, Calif., alleging that the article had been shipped on or about August 7 and November 5, 1940, by Production Laboratories from Seattle, Wash.; and charging that it was misbranded.

Analysis of a sample of the article showed that it consisted essentially of mineral oil (61 percent), a saponifiable oil consisting in part of fish oils, turpentine (3 percent), a small amount of iodine, and a red coal-tar dye.

The article was alleged to be misbranded in that the labeling directly and indirectly represented that it was effective as a preventive of and treatment for coccidiosis and blackhead in chickens and turkeys, which representations were false and misleading since it was not effective for such purposes.

On November 16, 1940, and March 18, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

535. Misbranding of Tonik-Kote 4-Use Skin Conditioner and Tonik-Kote Ointment. U. S. v. 115 Cartons of Tonik-Kote 4-Use Skin Conditioner and 69 Cartons of Tonik-Kote Ointment. Consent decree of condemnation. Products ordered released under bond to be relabeled. (F. D. C. No. 4052. Sample Nos. 60207-E, 60208-E.)

On March 28, 1941, the United States attorney for the Western District of Washington filed a libel against the above-named products at Seattle, Wash., alleging that they had been shipped by Gross Laboratories from Portland, Oreg., on or about February 26, 1941; and charging that they were misbranded.

Analyses of samples of the articles showed that the Skin Conditioner consisted of water, alcohol (2.8 percent by volume), and oil, together with small amounts of pine oil, borates, and protein; and that the Ointment consisted of water, oil, soap, protein, and borates, and contained no peroxide.

The Skin Conditioner was alleged to be misbranded: (1) In that representations in its labeling that it was efficacious in the treatment of all types of skin irritations, eczema, ear canker, sore pads, mange, ringworm, and lice on pets and animals, and that it was efficacious as a skin conditioner, were false and misleading since it would not be efficacious for such purposes. (2) In that the label failed to bear a statement of the quantity or proportion of alcohol that it contained, and the common or usual names of its active ingredients.

The Ointment was alleged to be misbranded: (1) In that representations in its labeling that it was efficacious in the treatment of mange, eczema, ringworm, and other skin irritations on dogs and cats, and that it was made from peroxide, were false and misleading; since it would not be efficacious for such purposes, and it was not made from peroxide. (2) In that its label failed to bear the common or usual names of its active ingredients.

On April 24, 1941, Gross Laboratories, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the products were ordered released under bond conditioned that they be relabeled to comply with the law under the supervision of the Food and Drug Administration.

536. Misbranding of Verm A Food. U. S. v. 56½ Dozen Packages of Sellers Verm A Food No. 1 and 39½ Dozen Packages of Sellers Verm A Food No. 2. Default decree of condemnation and destruction. (F. D. C. No. 3243. Sample No. 34540-E.)

On October 19, 1940, the United States attorney for the Southern District of New York filed a libel against the above-named products at New York, N. Y., alleging that the articles had been shipped by Hugh Sellers & Co. from Washington, D. C., on or about September 24, 1940; and charging that they were misbranded.

Analyses of samples of the articles showed that they consisted essentially of meat, cereals, and senna.

They were alleged to be misbranded in that the labeling bore representations that they were efficacious treatments for large roundworms and constipation of

dogs, cats, and foxes, which representations were false and misleading since the articles would not be efficacious for such purposes.

On November 25, 1940, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

DRUGS PACKED IN DECEPTIVE CONTAINERS*

537. Misbranding of nasal jelly. U. S. v. 1,332 Packages of Nasal Jelly. Consent decree of condemnation. Product released under bond to be repacked. (F. D. C. No. 3959. Sample No. 60024-E.)

The cartons in which this product was packed were considerably longer and larger than was necessary to hold the tubes.

On March 14, 1941, the United States attorney for the District of Oregon filed a libel against 1,332 packages of nasal jelly at Portland, Oreg., alleging that the article had been shipped on or about December 20, 1940, and January 3, 1941, by the Norwich Pharmacal Co., from Norwich, N. Y.; and charging that it was misbranded in that its containers were so made, formed, and filled as to be misleading. The article was labeled in part: "Nasal Jelly * * * Distributed by Fred Meyer * * * Portland, Oregon."

On May 9, 1941, the Norwich Pharmacal Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be repacked under the supervision of the Food and Drug Administration.

NONSTERILE ABSORBENT COTTON

538. Adulteration and alleged misbranding of absorbent cotton. U. S. v. 48 Dozen Packages of Absorbent Cotton. Decree of condemnation. Product ordered released under bond for reconditioning. (F. D. C. No. 3823. Sample No. 43856-E.)

This product had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to contain viable micro-organisms.

On February 17, 1941, the United States attorney for the District of Kansas filed a libel against 48 dozen packages, each containing 3 ounces, of absorbent cotton at Wichita, Kans., alleging that the article had been shipped in interstate commerce on or about December 21, 1940, by the Acme Cotton Products Co. from Dayville, Conn.; and charging that it was adulterated and misbranded. It was labeled in part: "Bonita Absorbent Cotton."

The article was alleged to be adulterated in that it purported to be and was represented as a drug the name of which is recognized in an official compendium but its quality and purity fell below the standard set forth in that compendium since it was not sterile; whereas the United States Pharmacopoeia requires that the article be sterile.

It was alleged to be misbranded in that statements appearing on the carton, "Sterilized After Packaging" and "For Surgical and Sanitary Uses," were false and misleading as applied to an article which was not sterile but was contaminated with viable aerobic and anaerobic or facultative anaerobic micro-organisms.

On April 26, 1941, the Acme Cotton Products Co., Inc., New York, N. Y., having filed a claim, judgment was entered finding the product adulterated and ordering its condemnation, and it was ordered further that the product be released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration.

539. Adulteration and misbranding of absorbent cotton. U. S. v. 420 2-Ounce and 267 1-Ounce Packages of Absorbent Cotton. Default decree of condemnation and destruction. (F. D. C. No. 4374. Sample No. 35863-E.)

This article had been shipped in interstate commerce and was in interstate commerce at the time of examination at which time it was found to be contaminated with viable micro-organisms.

On April 17, 1941, the United States attorney for the Eastern District of Louisiana filed a libel against 687 packages of absorbent cotton at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about

* See also Nos. 451, 477, 492, 504, 508, 523, 526, and 531 for deceptive packaging; and Nos. 429, 433, 434, 436, 437, 439, 443, 445, 449, 451, 452, 522, 523, 525, and 526 for failure to bear required quantity of contents statement.