

On December 1, 1941, the United States attorney for the Western District of North Carolina filed a libel against the above-named product at Asheville, N. C., alleging that it had been shipped in interstate commerce on or about June 2, 1941, by J. A. Hicks from Jacksonville, Fla.; and charging that it was misbranded.

Analysis of a sample of the article showed that it consisted essentially of alcohol (approximately 61 percent by volume), salicylic acid (approximately 0.9 percent), quinine sulfate, water, and perfume materials.

The article was alleged to be misbranded (1) in that the statements on the label, "Quinine Hair Tonic, \* \* \* for eczema, alapacia, dandruff, itching scalp. Will promote the growth of the hair," were false and misleading as applied to an article that does not act as a tonic for the hair and does not constitute an adequate treatment for the disease condition for which it was represented; (2) in that its label failed to bear an accurate statement of the quantity of the contents; and (3) in that the label failed to bear the common or usual names of the active ingredients.

On December 31, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**644. Misbranding of Respirine. U. S. v. 52 Dozen Bottles of Respirine. Default decree of condemnation and destruction. (F. D. C. No. 5303. Sample Nos. 40478-E, 69242-E.)**

The labeling of this product bore false and misleading curative and therapeutic claims, and also failed to bear a statement of the quantity or proportion of belladonna alkaloids that it contained.

On July 31, 1941, the United States attorney for the Southern District of New York filed a libel against 52 dozen bottles of Respirine at New York, N. Y., alleging that the article had been shipped in interstate commerce prior to July 14, 1941, by Albert Laboratories, Inc., from Chicago, Ill., to Atlantic City, N. J., and that on or about July 14, 1941, it had been reshipped by the Atlantic City Wholesale Drug Co. from Atlantic City, N. J.; and charging that it was misbranded.

Analysis showed that it consisted essentially of sugar, water, ammonium chloride, ammonium carbonate, potassium nitrate, and alkaloidal plant drugs, including atropine and emetin-bearing drugs.

The article was alleged to be misbranded in that the following statements appearing in the labeling were false and misleading: "\* \* \* is highly efficient in alleviating wheezing—sniffing choking attacks coughing spells and other respiratory irritations due to irritants in bronchial tubes, or—'Colds' \* \* \* in severe cases. \* \* \* to alleviate 'misery' resulting from such symptoms as: Coryza—sneezing—congested mucous membranes—wheezing—coughs—and other respiratory irritations due to irritants in bronchial tubes—or—to 'Colds.' \* \* \* Sufferers From Asthma—Bronchitis Coughs (Resulting From Common Colds) Hay Fever Thank They Lucky Stars They Discovered Respirine The Quick New Safe Way of Successfully Relieving Coughing Spells Choking Attacks Wheezing Spasms." It was alleged to be misbranded further in that the label failed to bear a statement of the quantity or proportion of belladonna alkaloids that it contained.

On September 10, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

#### VETERINARY REMEDIES

**645. Misbranding of Sea-Clo-400-D. U. S. v. 2 Cans of Sea-Clo-400-D. Default decree of condemnation and destruction. (F. D. C. No. 6255. Sample No. 50347-E.)**

This product was represented as a satisfactory substitute for poultry cod-liver oil, which representation was misleading. Spectro-photometric examination of a sample showed that the article contained approximately 400 U. S. P. units of vitamin A per gram; whereas the United States Pharmacopoeia requires that cod-liver oil contain at least 850 U. S. P. units of vitamin A per gram.

On November 21, 1941, the United States attorney for the District of Maryland filed a libel against the above-named product at Middleburg, Md., alleging that it had been shipped on or about September 13, 1941, by Seaboard Supply Co., Inc., from Philadelphia, Pa.; and charging that it was misbranded.

The article was alleged to be misbranded in that the following statements on the label, "Sea-Clo-400-D, Highly Fortified Cod Liver Oil in Dry Base. Directions: In place of each 4¾ lbs. straight 85 D oil use 1 lb. Sea-Clo-400-D. For

each 5 pints 85 D oil used replace with 1 lb. Sea-Clo-400-D. Turkeys: Use three times the amount recommended for poultry under average conditions. Ingredients: Fortified cod liver oil. When this product is packed it contains more than 1000 Units Vitamin 'A' per gram . . . due to uncertain stability of Vitamin 'A' from cod liver oil when added to feeds we are making no claim for it," were misleading since they gave the impression that it was a substitute for cod-liver oil and possessed essentially the same values when used in accordance with the directions for use; whereas it was not a substitute for cod-liver oil and did not contain essentially the same values when used in accordance with such directions since the proportion of vitamin A to vitamin D furnished when so used, was substantially less than that furnished by straight cod-liver oil.

The article also was alleged to be misbranded under the provisions of the law applicable to foods, as reported in F. N. J. No. 3453.

On January 3, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**646. Misbranding of Heberling's Colic and Bloat Compound and Heberling's Veterinary Liniment. U. S. v. 110 Dozen Bottles of Heberling's Colic and Bloat Compound and 99 Dozen Bottles of Heberling's Veterinary Liniment. Consent decree of condemnation. Products ordered released under bond to be relabeled. (F. D. C. No. 3610, 3611. Sample Nos. 39127-E, 39128-E.)**

On or about January 3, 1941, the United States attorney for the Southern District of Illinois filed a libel against the above-named products at Bloomington, Ill., alleging that they had been shipped on or about September 2, 1939, and April 26, 1940, by the J. R. Watkins Co. from Winona, Minn.; and charging that they were misbranded.

Analyses of samples of the articles showed that the colic and bloat compound consisted essentially of ether, chloroform, small proportions of capsicum, and volatile oils including clove oil, sassafras oil, camphor, and turpentine; and that the liniment consisted essentially of small proportions of oil of tar, camphor, turpentine, and cresol, and crude petroleum.

The colic and bloat compound was alleged to be misbranded in that statements appearing in the labeling representing that it would give relief in the treatment of colic and bloat in horses and cattle were false and misleading since it would not be efficacious for such purposes.

The liniment was alleged to be misbranded in that statements in the labeling representing that it would be efficacious for the treatment of wounds, sores, lameness, swellings, callous parts, poll evil, and fistula, and that use of Heberling's Mineral-Tonic Supplement for Hogs, Mineral-Tonic Supplement for Stock, and Mineral-Tonic Supplement for Poultry would insure more profitable production of livestock, were false and misleading since the articles would not be efficacious for the purposes recommended.

On July 14, 1941, G. C. Heberling, Bloomington, Ill., 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 under the supervision of the Food and Drug Administration.

**647. Misbranding of Poul-Tre-Tone and Pep-O-Tone. U. S. v. Gliatta Laboratories, Inc. Plea of guilty. Fine, \$100. (F. D. C. No. 2877. Sample Nos. 15239-E, 15240-E.)**

The labeling of these veterinary products bore false and misleading claims regarding their efficacy in the conditions indicated hereinafter.

On January 30, 1941, the United States attorney for the Eastern District of Missouri filed an information against Gliatta Laboratories, Inc., St. Charles, Mo., alleging shipment on or about March 21, 1940, from the State of Missouri into the State of Illinois of quantities of Poul-Tre-Tone and Pep-O-Tone which were misbranded.

Analysis of a sample of Poul-Tre-Tone showed that it consisted essentially of calcium phosphate, calcium carbonate, magnesium sulfate, compounds of iron, sodium, and potassium, and plant material including tobacco and kamala. Analysis of a sample of Pep-O-Tone showed that it consisted of small proportions of copper sulfate (0.81 percent), iron sulfate, compounds of zinc, sodium and potassium, creosote, and water, flavored with oil of cloves and colored with a red dye.

The Poul-Tre-Tone was alleged to be misbranded in that statements in the labeling which represented that it was efficacious for the treatment of all common known poultry diseases; would be efficacious to expel worms and destroy germs; would prevent weakness, bowel trouble, and disorders like pip