576. Misbranding of Hilltop Wor-Mor Powder, Hilltop Poultry Breathing Stimulator, and Hilltop Kure-Mor Intestinal Astringent. U. S. v. Hilltop Farm Feed Co., Frank E. Moore, and Fred H. Moore. Pleas of guilty. Fines, $150. (F. D. C. No. 2978. Sample Nos. 8382–E to 8384–E, incl.)

On June 9, 1941, the United States attorney for the District of Minnesota filed an information against Hilltop Farm Feed Co., Minneapolis, Minn., Frank E. Moore, and Fred H. Moore, alleging delivery for introduction in interstate commerce within the period from on or about March 29 to on or about April 25, 1940, from the State of Minnesota into the State of Wisconsin of quantities of poultry remedies that were misbranded. They were labeled in part: "Hilltop * * * Worm Powder Wor-Mor Powder"; "Hilltop Poultry Breathing Stimulator"; or "Hilltop * * * Intestinal Astringent Kure-Mor."

Analysis of a sample of the Wor-Mor Powder showed that it consisted essentially of copper sulfate, iron sulfate, plant material including nux vomica and anise, and nicotine sulfate. It was alleged to be misbranded in that the statements appearing on the cartons representing that it was efficacious in the control of worms in poultry and that it was efficacious to eliminate and eradicate worms in poultry, were false and misleading since it was not efficacious for such purposes. It was alleged to be misbranded further in that the statements on the carton, "Directions Mix 8 ounces of Hilltop Wor-Mor Powder into 100 lbs. of mash. Feed for two days and then repeat for one day two weeks later. For control of worms repeat this plan every month after the chicks are one month old throughout their entire life. It pays. The cost is small. Don't feed wormy chickens. Eliminate the Worms. Hilltop Kure-Mor should be fed in all drinking water for its healing * * * effects during the above treatment and for a few days following," regarding another drug product sold by said defendant, i. e., Kure-Mor, were false and misleading in that they represented that Kure-Mor if fed in drinking water during treatment for worms would have a healing effect; whereas it would not.

Analysis of a sample of the Hilltop Poultry Breathing Stimulator showed that it consisted essentially of phenolic compounds such as cresol and guaiacol, and volatile oils such as eucalyptus, anise, and camphor, incorporated in a saponified base. Bacteriological examination showed that it was not antiseptic. It was alleged to be misbranded in that statements appearing on the bottle label representing that it was a poultry breathing stimulator; that it would be efficacious as a respiratory stimulant that would tend to alleviate bronchial conditions; that it was efficacious as an antiseptic, as a gastro-intestinal antiseptic, and as an intestinal anti-ferment; that it would be efficacious to affect favorably the respiratory tract, hinder and act against the spread of contagions such as roup, catarrh, influenza, brooder pneumonia, chickenpox, diphtheria, and other diseases of the respiratory tract in poultry flocks; and that it would penetrate the nostrils, were false and misleading since it would not be efficacious for such purposes.

Analysis of a sample of the Hilltop Kure-Mor showed that it consisted essentially of compounds of magnesium and potassium sulfate, nitrate, chlorate, and dichromate. It was alleged to be misbranded in that statements appearing on the bottle label representing that it was efficacious as an intestinal astringent; that it had great merit for poultry of all ages and would maintain poultry in good condition; that it was efficacious in the treatment of poultry which was out of condition and in need of a regulator and conditioner; that it would be efficacious as an aid in better starting of young poultry, would help the chick digest the egg yolk the first few days, and act as a bowel regulator and conditioner at all times; that it would be efficacious to soften and remove the caked waste, without causing bleeding, in chicks that had become "pasted up" with bowel trouble; that it would be efficacious to flush the system of chicks of poisonous deposits in the intestines; and that it would increase the consumption of water and cause heavier egg production, were false and misleading since it would not be efficacious for such purposes.

On June 9, 1941, pleas of guilty having been entered by the defendants, the court imposed a fine of $50 against each.

577. Misbranding of Crawford's Ridia. U. S. v. 20 Bottles of Crawford's Ridia. Default decree of condemnation and destruction. (F. D. C. No. 3826. Sample No. 55743–E.)

The labeling of this product bore false and misleading representations regarding its efficacy in the treatment of diabetes.

On February 20, 1941, the United States attorney for the District of Oregon filed a libel against 20 bottles of Crawford's Ridia at Portland, Oreg., alleging that the article had been shipped on or about January 10, 1941, by Crawford Foods, Inc., from San Jose, Calif.; and charging that it was misbranded.

Analysis of a sample of the article showed that it consisted essentially of alfalfa with smaller proportions of mint.

It was alleged to be misbranded in that representations in an accompanying circular entitled "Health Chronicle" that it was a substitute for the secretions of the pancreas and would be efficacious for the relief of suffering diabetics; that each tablet contained a potency equal to 2 insulin units; that by its use insulin sickness would vanish; that insulin stiffness or muscular pains that grow on the patient after a prolonged use of insulin would slowly leave the body; that the blurred vision and partial blindness induced by insulin would gradually be cleared; and that it was a natural remedy and health food adjuvant, were false and misleading since it would not be efficacious for such purposes.

It was also alleged to be misbranded under the provisions of the law applicable to foods, as reported in F. N. J. No. 2823.

On April 17, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

578. Misbranding of Enrich and Ritamine. U. S. v. 40 Bottles of Enrich and Ritamine. Default decee of condemnation and destruction. (F. D. C. Nos. 4884, 4885. Sample Nos. 40816-E, 40821-E.)

On June 6, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 14 16-fluid-ounce bottles and 6 8-fluid-ounce bottles of Enrich, and 8 75-day, 4 35-day, and 8 10-day packages of Ritamine at Philadelphia, Pa., alleging that the articles had been shipped within the period from on or about March 28 to on or about May 13, 1941, by American Dietaids Co., Inc., from Yonkers, N. Y.; and charging that they were misbranded.

Analysis of a sample of Enrich showed that it contained per fluid ounce—peptonized iron (650 milligrams), soluble manganese citrate (54 milligrams), calcium glycerophosphate (170 milligrams), and vitamin B_1 (200 U. S. P. units); analyses of samples of Ritamine, which consisted of black and brown capsules, showed that the black capsules contained vitamin A (12,800 units), vitamin B_1 (200 units), vitamin C (226 units), and vitamin D (600 units); and that the brown capsules contained compounds of calcium, iron, phosphorus, copper, and iodine with small proportions of compounds of other elements, and an oil such as wheat-germ oil.

Enrich was alleged to be misbranded: (1) In that statements on an accompanying placard in the window display of the consignee which suggested or implied that women normally require excessive amounts of iron to prevent the development of anemia; and which represented that its use would benefit nerves, glands, and other organs; would promote energy, endurance, appetite, vigor, vitality, sunny disposition, and radiant complexion; and that the product was an adequate treatment for anemia due to lack of iron, were false and misleading since women do not normally require excessive amounts of iron to prevent the development of anemia, and the use of the article would not fulfill such promises of benefits stated and implied. (2) In that the designation "Enrich" on the carton and bottle labels constituted a false and misleading device since it suggested and represented to purchasers that use of the article would enrich the blood, such meaning having been acquired as the result of the following statements on placards in the consignee's window display and in circulars on a counter in the consignee's store, "Are You Anemic due to lack of iron in your blood? New Enrich tonic brings genuine food-iron to the blood * * * Enriched Blood * * * It is vital that the blood be rich in iron. Take—Enrich"; whereas its use could not be depended upon to enrich the blood. (3) In that the following statements appearing on the carton and the bottle labels, "A Dietary Supplement * * * contains * * * Calcium * * * as the glycerophosphates," were false and misleading in the absence of a disclosure of the material fact that the amount of calcium glycerophosphate would furnish but a small fraction of the normal calcium requirement when the article was taken in accordance with the directions for use appearing on the bottle label, namely, "2 teaspoonfuls 4 times daily * * * For children, 1 teaspoon 4 times daily."

Ritamine was alleged to be misbranded in that representations in its labeling that its use would supply vitamins and minerals needed for various tissues, organs, and functions, were false and misleading since it would not fulfill the promises of benefits stated and implied.

On June 28, 1941, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.