

On June 25, 1943, the Web Distributing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be delivered for the use of a charitable institution, and that costs be assessed against the claimant.

**1048. Misbranding of Cuban honey. U. S. v. 38 Jars and 284 Packages of Honey. Decrees of condemnation. Portion of product ordered destroyed and remainder ordered sold, upon adoption of safeguards to insure its use in compliance with the law. (F. D. C. Nos. 8170, 8371. Sample Nos. 1116-F, 1117-F, 5901-F.)**

On August 21 and September 28, 1942, the United States attorneys for the Eastern District of Missouri and the Northern District of Illinois filed libels against 25 \$1.00-size, 7 \$2.00-size, and 6 \$3.75-size jars of honey at St. Louis, Mo., and 141 9-ounce, 81 22½-ounce, 56 48-ounce, 3 96-ounce, and 3 1-gallon packages of honey at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 16, July 18, and August 29, 1942, from Lansing, Mich., by Cuban Honey, Inc.; and charging that it was misbranded. The article was labeled in part: "El Aguinaldo Cuban Honey."

Analysis of a sample of the article showed that it consisted of honey, and that the mineral matter therein amounted to approximately one-sixth of one percent.

The lot at Chicago was alleged to be misbranded in that the statements appearing in its labeling which represented and suggested that the product would constitute a remedy for sick and wounded soldiers; and that it provided a significant portion of minerals and constituted an adequate treatment for digestive disorders, bronchial asthma, bronchitis, asthma, bronchial pneumonia, coughs, sinus conditions, hay fever, and stomach ulcers were false and misleading since it would not constitute a remedy for sick and wounded soldiers nor be an adequate treatment for the condition described; and it did not provide a significant portion of minerals.

The lot at St. Louis was alleged to be misbranded because of false and misleading statements appearing in its labeling which represented and suggested that the product constituted a remedy for sick and wounded soldiers; that it was valued for its medicinal properties; that it played an important part in the preservation of zestful health for those who were well and in restoring health to those who were ill; that it differed in a material respect from domestic honey; that, when used in the place of other sweets, it would cause children to thrive; that it constituted a source of vital energy and was a great help in the heavy daily battle of life; that it would aid nature in building and maintaining health; that, when taken as directed, it possessed laxative qualities; that it was a relaxing food; that it would aid in more normal action of the digestive system; that it would be retained by those whose digestion was impaired and who have difficulty in retaining food; that it would soothe tired nerves and aid in preventing sleepless nights; that it defied chemical analysis; that it provided the necessary mineral salts; that it contained a significant proportion of minerals; that it was more easily retained in the stomachs of children than were other foods suitable for them; that it was a substitute for cod liver oil and orange juice; that, when used as directed, it would cause an increase in weight in children not caused by other common foods; that it would cause a decrease in restlessness and distress after feeding; and that it was efficacious in cases of rickets and malnutrition. The article did not differ in a material respect from domestic honey; it had not defied chemical analysis; it did not contain a significant proportion of minerals; it was not a substitute for cod liver oil and orange juice; and it would not be efficacious for the purposes recommended, or accomplish the results claimed. Both lots were alleged to be misbranded further in that the following statements appearing in the labeling of the lot at St. Louis, "Analysis ----%---- Water 18.53, Invert Sugars 71.01, Sucrose .83, Ash .25, Dextrine 2.39, Undetermined 6.99, Alkaloids None," and "Analysis of Ash ----%---- Silicon 4.78, Iron .88, Calcium 3.67, Magnesium 1.18, Sodium 14.12, Potassium 48.47, Phosphorous .78, Sulphur .97, Chlorine 9.87, Undetermined 15.27," and substantially the same statements in the labeling of the lot at Chicago, were misleading since those statements failed to reveal that the article consisted essentially of a variety of sugars, and that the other constituents named, including the various mineral elements mentioned, were present in the article in so small a proportion as to be negligible.

The article was also alleged to be misbranded under the provisions of the law applicable to foods as reported in the notices of judgment on foods, No. 5797.

On December 7, 1942, and January 6, 1943, no claimant having appeared, judgments of condemnation were entered and it was ordered that the lot at Chicago be destroyed and that the lot at St. Louis be sold to the person or corporation offering the highest bid and adopting such safeguards as might be recommended by the Federal Security Agency against use of the product in violation of the law.

**DRUGS FOR VETERINARY USE\***

**1049. Misbranding of Ferro-Tone. U. S. v. Burton H. Corbett (Burton H. Corbett and Co.).** Plea of *nolo contendere*. Fine, \$300. (F. D. C. No. 9613. Sample Nos. 81542-E, 81544-E, 15341-F, 15342-F.)

The labeling of this product bore false and misleading statements in regard to its ingredients and its therapeutic and antiseptic properties. Samples of a portion of the product were short weight.

On May 4, 1943, the United States attorney for the District of Colorado filed an information against Burton H. Corbett, trading as Burton H. Corbett and Co., Denver, Colo., alleging the shipment of a number of cans of Ferro-Tone from the State of Colorado into the States of Nebraska and Wisconsin, on or about January 28 and February 2, 1942, respectively, and into the States of Iowa and Wisconsin on or about November 30, 1942.

Analyses of samples from the January and February shipments disclosed that they consisted essentially of ferrous sulfate and salt, with smaller proportions of powdered charcoal, powdered bone, powdered linseed, iron ferrocyanide, and a trace of sulfur; and that very little, if any, sodium bicarbonate, calcium carbonate, zinc phenolsulfonate, and potassium iodide were present. Analyses of samples from the November shipments disclosed that they consisted essentially of sodium chloride and ferrous sulfate with traces of sulfur and potassium iodide. Charcoal, ferrocyanide, carbonate, zinc, phosphate, and phenolsulfonate were not detected.

The article was alleged to be misbranded (1) in that the name "Ferro-Tone," borne on the label, was misleading since that name suggested and created in the mind of the reader the impression that the article was an iron tonic—that, when fed to livestock as directed it would be efficacious as a tonic in those conditions in which administration of iron to livestock is indicated, whereas it was not an iron tonic and it would not be efficacious as a tonic in those conditions described; and (2) in that the name "Ferro-Tone," the design of a sheep, a cow, a horse, and a hog, and the statements, "For Hogs, Cattle, Sheep and Horses," and "Directions For Cattle, Horses, Mules and Sheep: Thoroughly mix with shovel, hoe or paddle One Pound of Ferro-Tone with fifty pounds of fine or No. 4 Salt. \* \* \* For Hogs and Pigs: Thoroughly mix with shovel, hoe or paddle, one quarter pound of Ferro-Tone with each fifty pounds of swill, wet or dry mash \* \* \*," borne on the label, were false and misleading since the statements and design represented and suggested that the article, when used as directed, would be efficacious as an iron tonic for hogs, pigs, cattle, sheep, horses and mules, whereas it would not be so efficacious when used as directed. It was alleged to be misbranded further (1) in that the statement, "An Iron and Mineral Compound to be added to the regular rations, to supply certain minerals lacking in many feeds," borne on the label, was false and misleading since it represented and suggested that the article, when used as directed, would furnish a significant amount of iron and other minerals, whereas when used as directed, it would not furnish a significant amount of iron or any other mineral with the exception of salt; and (2) in that the statement in its labeling, "Contains: Ferrocyanide of Iron, Iron Sulphate, Sulphur, Phosphate of Lime, Sodium Bicarbonate, Calcium Carbonate, Sodium Chloride, Charcoal, Zinc Phenol-sulphonate, Potassium Iodide, and Oil of Anise," was false and misleading since it represented and suggested and created in the mind of the reader the impression that the article contained appreciable amounts of each of the ingredients named in the statement, whereas it did not contain appreciable amounts of those ingredients, other than iron sulfate and salt; and its labeling failed to reveal the fact that none of the ingredients listed, when used as directed, would be active with the exception of the salt. It was alleged to be misbranded also (1) in that the statement in its labeling, "For Hogs and Pigs: Thoroughly mix \* \* \* one quarter pound of Ferro-Tone with each fifty pounds of swill, wet or dry mash, and continue its use until the desired results are produced," were misleading since it created the impression that use of the article would result

\*See also Nos. 1009, 1010.