

1295. Misbranding of Sunshine Minerals. U. S. v. 465 Bags of Sunshine Minerals and 1,300 Circulars. Consent decree of condemnation. Product ordered released, conditioned upon destruction of the circulars. (F. D. C. No. 10830. Sample No. 43068-F.)

On or about October 5, 1943, the United States attorney for the District of Oregon filed a libel against 465 100-pound bags of Sunshine Minerals and 1,300 circulars at Portland, Oreg. It was alleged in the libel that the Sunshine Minerals had been shipped from South San Francisco, Calif., on or about September 15, 1943, by the Korinek Laboratories; and charged that it was misbranded.

The article was labeled in part: "Dr. C. J. Korinek's Sunshine * * * Minerals * * * Mineral Compound for Poultry-Cattle-Horses-Hogs-Sheep * * * 100 pounds net contains Iodine requirements * * * Minerals * * * For further feeding directions see circular on Dr. C. J. Korinek's Sunshine Minerals * * * Analysis. Calcium (CA), not less than 30.00% Phosphorus (P), not less than 2.00% Iodine (I), not less than .06% Salt. .00%." Analysis showed that the article had essentially the composition stated on its label.

The article was alleged to be misbranded because of false and misleading statements in the labeling regarding its efficacy to promote maximum growth 'development in poultry and ability to produce high grade eggs; assure strong, sturdy, uniform development of chicks and pullets; build up body resistance to disorders and diseases affecting poultry; build stronger bones and muscles and digestive and other internal organs; reduce nutritional leg weaknesses, rickets, rubber legs, malformed breastbones, slip tendons, blindness, paralysis, and roup; improve egg quality and shell texture; increase firmness, compactness, and thickness of shells; increase egg production up to 19 percent; improve hatchability and fertility of hatching eggs; prevent perosis; and reduce mortality up to 32 percent.

It was alleged to be misbranded further because of false and misleading representations regarding its efficacy to increase milk production up to 9 percent in cows; keep cows producing profitably for years, thus reducing costly replacements; reduce nutritional abortion, sterility, or non-breeding, retained after-birth, milk fever, simple garget, red water, and anemia; prevent unthrifty condition, chewing bones, leather, wood, or eating dirt; prevent swollen joints; eliminate goiter, rickets, and various other deformities in calves; reduce scours; assure large, thrifty, well-haired calves; and help cows to develop and drop healthier calves.

The article was alleged to be misbranded further because of false and misleading statements regarding its efficacy to insure large, healthy litters in hogs, and make sows better mothers; prevent hairless pigs, and mothers eating their young soon after birth; prevent milk fever and retained afterbirth in sows; reduce paralysis and thumps (anemia); increase the flow of the sow's milk; increase weight from 10 percent to 20 percent; build strong, sturdy bones; improve breeding conditions in both sows and boars; help sows to farrow; promote a general thriftiness in pigs, and sharpen their appetites; prevent sagged back, weak pasterns, and small bones; and satisfy the unnatural craving which makes hogs root.

It was alleged to be misbranded further because of false and misleading statements regarding its efficacy to increase weight and fleeces from 4 percent to 18 percent in sheep; grow strong, sturdy, well-boned sheep; reduce nutritional abortions, sterility or shy-breeding, retained afterbirth, suspension of the milk of ewes after lambing, heaving pains, blue-bag, anemia (thumps), goiters, and rickets in lambs; improve the general health; increase the milk flow of ewes; prevent stiff diseases in lambs, and dirt- or sand-eating in sheep and lambs; eliminate failure to breed; produce larger, well-haired fox pups; improve pelts greatly; invigorate breeding conditions of both male and female foxes; increase production among rabbits, the size and thrift of litters; prevent the doe eating the young; build up effective resistance from many disorders common to rabbits; keep the hair of dogs in fine condition; give dogs lots of energy and pep; and reduce dog deficiency diseases.

On November 1, 1943, Dr. C. J. Korinek, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released to the claimant, conditioned that the circulars be destroyed.

1296. Misbranding of Superior Chemicals. U. S. v. 300 Bags of Superior Chemicals. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 11727. Sample No. 60301-F.)

On February 2, 1944, the United States attorney for the District of Nevada filed a libel against 300 bags, each containing 100 pounds, of Superior Chemicals at Reno, Nev., alleging that the article had been shipped on or about July 14, 1943,

from Mt. Olivet, Colo., by the Superior Products Co.; and charging that it was misbranded. The article was labeled in part: "Superior Chemicals * * * [Pictures of horse, sheep, ass, shorthorn, pig, and bull] * * * Sodium Salicylate."

Analysis disclosed that the article contained salt (58.4 percent), calcium carbonate (25.9 percent), small amounts of other mineral substances, charcoal, and turpentine oil; and that it contained no sodium salicylate.

The article was alleged to be misbranded because of false and misleading statements appearing in circular letters accompanying it which represented and suggested that the article was of value in the prevention and treatment of diseases of livestock due to insect or parasitic infestations, and also in the treatment of scours, mange, worms, and boils, retention of afterbirth, kidney trouble, pneumonia, abortion, ringworm, lumpy jaw, and sleeping sickness. The article was alleged to be further misbranded in that the statement on the label, "Active Ingredients * * * Sodium Salicylate," was false and misleading since the article contained no sodium salicylate.

On May 20, 1944, the Cremer-Erickson Co., Reno, Nev., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Federal Security Agency.

1297. Misbranding of Bob Armstrong's Distemper Remedy. U. S. v. 12 Boxes of Bob Armstrong's Distemper Remedy. Default decree of condemnation and destruction. (F. D. C. No. 11970. Sample No. 35678-F.)

On March 11, 1944, the United States attorney for the Western District of South Carolina filed a libel against 12 boxes, each containing 4 capsules, of the above-named product at Laurens, S. C., alleging that the article had been shipped on or about October 10, 1943, from Fitzgerald, Ga., by R. K. Armstrong; and charging that it was misbranded.

Examination of a sample of the article disclosed that the capsules contained large and varying amounts of arsenic, opium, and ginger.

The article was alleged to be misbranded (1) in that the name "Distemper Remedy," and the statements appearing in the circular contained in the package, "Very often a sick dog will not eat from a man, but will eat when given food by a woman. A sick dog needs careful nursing. At the very first symptoms give a capsule, for if caught early often three applications are enough," were false and misleading since the article would be of no value whatever in the treatment of the disease of dogs known as distemper; (2) in that its label failed to bear an accurate statement of the quantity of contents; and (3) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each active ingredient, or the quantity of arsenic contained therein.

On April 11, 1944, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1298. Misbranding of Munchy Dog Food. U. S. v. 224 Bags, 72 Bags, and 164 Bags of Dog Food. Default decree of condemnation and destruction. (F. D. C. No. 11845. Sample Nos. 49863-F, 49864-F.)

On February 18, 1944, the United States attorney for the Western District of Pennsylvania filed a libel against 224 5-pound bags and 72 2-pound bags of dog food (meal), and 164 2-pound bags of dog food (pellets), at Erie, Pa., alleging that the article had been shipped on or about December 28, 1943, by the Park & Pollard Co., Inc., from Buffalo, N. Y.; and charging that it was misbranded.

The article was labeled in part: "Meat Laden Munchy Dog Food (Meal)," or "Munchy Pellets * * * Munchy Dog Food." On the labels the ingredients of the product were declared as: "Meat Scraps, Flaked Corn and Wheat Cereal, Dried Yeast, Dried Skim Milk, Soybean Meal Flakes, Ground Malt, Fish Meal, Kelp, Wheat Germ Oil, Calcium Carbonate, Bone Meal, Manganese Sulphate, Fortified Cod Liver Oil. Guaranteed Analysis Protein (at least) 26%." Examination revealed that the product had essentially the qualitative composition stated on its label; that the only meat constituent of the product was meat and bone scraps, which were present to the extent of less than 10 percent; and that the product contained 12 percent less than the 26 percent of protein declared.

The article was alleged to be misbranded in that the statements on the label, "Aids in Maintaining Good Health Growth A Full, Rich Coat Good Bone Formation Sound Teeth Sweet Breath Healthy Skin Resistance to Colds and Distemper * * * Safeguards Against Rickets, Black Tongue & Other Diseases Due to Nutritional Deficiencies," were false and misleading since the article would not accomplish the results suggested and implied.