

**DISPOSITION:** December 24, 1942. Frederick Stearns and Co., claimant, having withdrawn its answer to the libel with the permission of the court, judgment was entered ordering that the product be destroyed.

**1595. Misbranding of Kaldak.** U. S. v. 9 Cans and 12 Cans of Kaldak, and a number of circulars and leaflets (and 1 other seizure action against Kaldak and printed matter). Consent decree of condemnation. (F. D. C. No. 12487. Sample No. 77643-F, 77652-F.)

**LIBELS FILED:** May 31 and June 15, 1944, Eastern District of Pennsylvania; amended libel filed March 2, 1945, Western District of Michigan.

**ALLEGED SHIPMENT:** On or about May 1 and 27, 1944, by the Kaldak Co., from Lansing, Mich.

**PRODUCT:** 33 5-ounce cans and 24 12-ounce cans of *Kaldak* at Philadelphia, Pa.; also a number of accompanying circulars entitled "Faulty body chemistry may often contribute to symptoms of \* \* \*" and leaflets entitled "Proof Aplenty about Kaldak."

Examination of a sample indicated that the product had essentially the composition stated on the label. Chemical analysis showed that the product contained, in each 10 grams, 0.52 gram of phosphorus, 0.45 gram of calcium, and 0.021 gram of iron.

**LABEL, IN PART:** "Kaldak A Dietary Food Supplement Providing Natural Vitamin B Complex, Vitamin D, Iron, Calcium and Phosphorus." The label also represented the product as containing dried brewer's yeast, reduced iron, dicalcium phosphate, and irradiated yeast.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in the leaflets and circulars were false and misleading since they represented and suggested that the article would be effective in the treatment and prevention of a wide variety of diseases, conditions, and symptoms, including arthritis, neuritis, colitis, constipation, anemia, digestive disorders, chronic fatigue, high blood pressure, thyroid trouble, sinus trouble, low blood pressure, kidney, liver, and gall bladder trouble, nervousness, shortness of breath, heartburn, dizziness, nausea, poor appetite, gas on the stomach, indigestion, a run-down condition, general debility, stomach and intestinal irritation, sleeplessness, inability to concentrate, worry, fear, pains in arms, shoulders, legs, or thighs, soreness in joints or muscles, sciatica, headaches, chronic inflammation of the colon or lower bowel, diabetes, colds, rheumatic conditions, rheumatism, and rectal abscesses. The article would not be effective in the treatment and prevention of the diseases, conditions, and symptoms stated and implied.

**DISPOSITION:** On June 23, 1944, the libel proceedings were ordered consolidated, and on July 5, 1944, pursuant to motion of the Kaldak Company, the claimant, the case was ordered transferred to the district court for the Western District of Michigan.

Following the transfer of the case, and with the consent of the claimant, an amended libel was filed on March 2, 1945, to charge the misbranding of the product as a drug rather than as a food, as was set forth in the original libels. Thereafter, an answer was filed by the claimant, denying that the product was misbranded as charged in the amended libel.

On September 14, 1945, the claimant having withdrawn its answer and consented to the entry of a decree, judgment of condemnation was entered. A copy of the decree was subsequently transmitted to the United States attorney for the Eastern District of Pennsylvania, who thereupon issued instructions to the marshal for the destruction of the product.

#### DRUGS FOR VETERINARY USE\*

**1596. Misbranding of Russell's Korum and Russell's Spray Inhalant.** U. S. v. I. D. Russell Co. Plea of nolo contendere. Fine, \$200 on count 1; sentence deferred on the remaining 3 counts. (F. D. C. No. 12553. Sample Nos. 6241-F to 6243-F, incl., 6955-F to 6957-F, incl., 28827-F, 28828-F.)

**INFORMATION FILED:** September 12, 1944, Western District of Missouri, against the I. D. Russell Co., a partnership, Kansas City, Mo.

**ALLEGED SHIPMENT:** Between the approximate dates of March 27 and May 29, 1943, from the State of Missouri into the States of Illinois and Georgia.

**PRODUCT:** Analyses of samples disclosed that the *Korum* consisted essentially of water containing small portions of sodium chlorate, potassium dichromate, potassium nitrate, sodium chloride, and epsom salt; and that the *Spray Inhal-*

\*See also No. 1590.

ant consisted essentially of pine oil and oil of Eucalyptus, small proportions of menthol, camphor, and creosote, soap, and water.

**NATURE OF CHARGE:** *Korum*, misbranding, Section 403 (a), certain statements in the circulars entitled "Russell Poultry Medicines and Biologics," "Questions Often Asked by Poultry Raisers," "Turkey Pointers," "Chick Tips," and "Russell's Poultry Health and Disease Guide," which accompanied various shipments of the article, were false and misleading since they represented and suggested that the article would be efficacious in the prevention and treatment of worms which infest poultry, coccidiosis, mycosis, blackhead, trichomoniasis, colds, roup, bronchitis, tracheitis, and diarrhea; that it would maintain health of poultry; that it was a mild laxative; that it possessed astringent properties; that it would aid in dissolving and removing mucus and slime from the digestive and intestinal tract; and that it would stimulate the appetite, aid in the raising of stronger chicks and healthier, husky, pullets and broilers, and be effective in promoting growth, health, and production of poultry. The article was not a mild laxative, it did not possess astringent properties, and it would not be efficacious for the purposes claimed.

*Spray Inhalant*, misbranding, Section 502 (a), certain statements in the circulars entitled "Chick Tips," "Russell's Poultry Health and Disease Guide," "Questions Often Asked by Poultry Raisers," and "Turkey Pointers," which accompanied the article, were false and misleading since they represented and suggested that the article would be efficacious as an aid in the relief and control of respiratory diseases which affect poultry, such as colds, roup, bronchitis, and tracheitis; that, when used as directed, it would act as a cleansing medication for the nostrils, mouth, eyes, throat, and lungs; that it would act as a stimulant to the respiratory membranes; and that it would be efficacious in the maintenance of the health of poultry. The article would not be efficacious for the purposes claimed.

**DISPOSITION:** April 16, 1945. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$200 on count 1 and deferred sentence for 1 year on the remaining 3 counts.

**1597. Misbranding of Pratts Poultry Regulator, Pratts Animal Regulator, and Pratts Poultry Inhalant.** U. S. v. 40 Packages and 5 Drums of Pratts Poultry Regulator, 6 Packages of Pratts Animal Regulator, and 45 Bottles of Pratts Poultry Inhalant. Default decree of condemnation and destruction. (F. D. C. No. 13820. Sample Nos. 78063-F to 78065-F, incl.)

**LIBEL FILED:** September 26, 1944, District of New Jersey.

**ALLEGED SHIPMENT:** On or about July 31, 1944, from Philadelphia, Pa., by the Pratt Food Co.

**PRODUCT:** 21 2¾-pound packages, 19 25-pound packages, and 5 100-pound drums of *Pratts Poultry Regulator*; 6 2½-pound packages of *Pratts Animal Regulator*; and 21 1-pint bottles and 24 1-quart bottles of *Pratts Poultry Inhalant* at Brooklawn, N. J.

Analyses disclosed that the *Poultry Regulator* consisted essentially of calcium carbonate, with small proportions of iron oxide, copper sulfate, iodides, sulfur, and compounds of magnesium, manganese, nickel, and phosphorus, together with plant material including a strychnine-bearing drug; that the *Animal Regulator* consisted essentially of calcium carbonate, with small proportions of iron, copper, manganese, nickel, cobalt, and magnesium sulfates and carbonates, sulfur, and plant material, including a strychnine-bearing drug; and that the *Poultry Inhalant* consisted essentially of water, isopropyl alcohol, with small proportions of boric acid, formaldehyde, and eucalyptol.

**NATURE OF CHARGE:** *Poultry Regulator*, misbranding, Section 502 (a), certain label statements and certain statements on a poster entitled "More Eggs in 15 Days," in a booklet entitled "The Poultry Health Guide," and in a leaflet entitled "2¢ a Day Gets More Eggs from 100 Hens," which were shipped with the article, were false and misleading since they represented and suggested that the article would be effective to regulate the body functions of poultry; that it would be effective as a tonic and appetizer; that it would be effective to make ordinary feeding mash better and to increase egg production; and that it would be effective in the prevention or treatment of deficiency diseases, limber neck, canker, tuberculosis, pullet disease (blue comb), chicken pox, and diphtheria. The article would not be effective for such purposes.

*Animal Regulator*, misbranding, Section 502 (a), certain label statements and certain statements on a poster entitled "Keep Their Insides Earning" and in