

DISPOSITION: May 23, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

1642. Misbranding of Kalergin Tablets. U. S. v. 30 Bottles of Kalergin Tablets. Default decree of condemnation and destruction. (F. D. C. No. 15852. Sample No. 29072-H.)

LABEL FILED: April 2, 1945, Northern District of California.

ALLEGED SHIPMENT: On or about November 2, 1944, from Brooklyn, N. Y., by the United Cigar-Whelan Stores Corporation.

PRODUCT: 30 100-tablet bottles of *Kalergin Tablets* at San Francisco, Calif. Analysis showed that the product was a 5-grain potassium chloride tablet.

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statement, "For the temporary relief of allergic symptoms due to pollen sensitivity," was false and misleading since the article would not be effective in the relief of such symptoms.

DISPOSITION: May 16, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

DRUGS FOR VETERINARY USE

1643. Misbranding of Apco Apcolene and Apco Brooder and Litter Spray. U. S. v. The American Products Co., Inc. Plea of guilty. Fine, \$300 and costs. (F. D. C. No. 14291. Sample Nos. 40527-F, 40529-F, 72380-F.)

INFORMATION FILED: April 7, 1945, District of Kansas, against the American Products Co., Inc., Kansas City, Kans.

ALLEGED SHIPMENT: On or about April 10 and May 18, 1944, from the State of Kansas into the State of Iowa.

PRODUCT: Analyses disclosed that a portion of the *Apco Apcolene* was a purple-red liquid with a red-brown sediment, containing, in aqueous solution, copper sulfate, iron sulfate, manganese sulfate, magnesium sulfate, and propylene glycol, colored with FD & C Red No. 2; that the remainder of the *Apco Apcolene* consisted chiefly of water and copper, iron, aluminum, magnesium, and manganese sulfates, colored with a red dye; and that the *Apco Brooder and Litter Spray* was a dark brown, oily liquid with a small amount of brown sediment and consisting chiefly of coal-tar hydrocarbons and phenolic compounds.

NATURE OF CHARGE: *Apco Apcolene*, misbranding, Section 502 (a), certain statements appearing upon accompanying placards and circulars entitled "Fight Coccidiosis," "Mycosis-Fungi," "Doc Apco Sez * * * Directions [including diagnosis and treatment charts]," "Auto Diagnosis Disease Chart," and "Apco A Drinking Water Medicine * * * Apcolene," were false and misleading since the article would not be efficacious for the purposes stated and implied. The statements represented and suggested that the article would be efficacious in increasing the health and vigor of poultry; that it would be efficacious in the cure, mitigation, treatment, and prevention of coccidiosis, blackhead, microscopic parasites, and mycosis; that it would save poultry flocks and keep poultry alive; that it would save the lives of sick and dying chickens, turkeys, and other poultry; and that it would result in continued and increased production of eggs.

Apco Brooder and Litter Spray, misbranding, Section 502 (a), certain statements upon an accompanying placard and circular entitled "Fight Coccidiosis" were false and misleading since the article would not be efficacious for the purposes stated and implied. The statements represented and suggested that the article, when used in compliance with specific directions for cleaning and disinfecting poultry brooder and laying houses, would be efficacious in the prevention and would aid in the treatment of coccidiosis.

DISPOSITION: April 24, 1945. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100 on each of 3 counts, a total fine of \$300, plus costs.

1644. Misbranding of Hilltop Wor-Mor, K-M, and Mor-O. U. S. v. Fred H. Moore (Hilltop Laboratories and Hilltop Specialties Co.). Plea of nolo contendere. Fine, \$900. (F. D. C. No. 12534. Sample Nos. 8765-F to 8767-F, incl.)

INFORMATION FILED: September 26, 1944, District of Minnesota, against Fred H. Moore, trading as the Hilltop Laboratories and the Hilltop Specialties Co., Minneapolis, Minn.

ALLEGED SHIPMENT: On or about March 17 and May 14, 1943, from the State of Minnesota into the State of Wisconsin.

PRODUCT: Analyses disclosed that the *Wor-Mor* consisted essentially of copper sulfate, 27.87 percent, kamala, areca nuts, nux vomica (strychnine), phenothiazine, iron sulfate, anise, and nicotine sulfate (nicotine 0.31 percent); that the *K-M* consisted of a reddish colored solution containing, essentially, potassium chlorate, saltpeter (potassium nitrate), epsom salt (magnesium sulfate), potassium dichromate, and water; and that the *Mor-O* consisted of a powder containing, essentially, sodium hyposulfite, catechu, and a small amount of lactic acid, with an odor of anise.

LABEL, IN PART: "Hilltop * * * *Wor-Mor* Powder [or "*K-M* Intestinal Astringent for Poultry of All Ages," or "*Mor-O* Poultry Drinking Water Powder"]."

NATURE OF CHARGE: *Wor-Mor*, misbranding, Section 502 (a), certain statements on the label and in accompanying circulars entitled "Poultry Health News," and "For Victory Help Your Flock Guard Against Worm Sabotage," were false and misleading since they represented and suggested that the article contained 45 percent of copper sulfate; that it would be efficacious in the cure, mitigation, treatment, and prevention of worms, including large roundworms, in turkeys and chickens; that it would aid in maintaining poultry health; that it would keep hens worm-free; that it was effective in worm prevention and worm control; that it would be efficacious in the removal of roundworms and the desegmentation of large tapeworms; that the use of the article would prevent fowls from getting run-down from infestation with worms; and that it would aid the poultry raiser to make a profit. The article contained not more than 27.87 percent of copper sulfate, and it would not be efficacious for the purposes represented.

K-M, misbranding, Section 502 (a), certain statements on the labels and in the circulars entitled "Poultry Health News," and "For Victory Help Your Flock Guard Against Worm Sabotage," which were delivered by the defendant's salesman prior to the date of the shipment of the article, were false and misleading since they represented and suggested that the article would be an effective treatment for growing and laying stock that was not in a thrifty condition; that it would aid in stimulating the appetite and would aid all poultry; that it would be efficacious in the cure, mitigation, treatment, and prevention of mycosis and blackhead in turkeys, coccidiosis in turkeys and chickens, and diarrhea in old hens and baby chicks; that it would be efficacious to build resistance to disease in turkeys and chickens and to keep them in good health and regularly gaining weight; that it would be efficacious as an aid in starting poults and in keeping mature turkeys in prime condition; that it would help the digestion of the egg yolk and act as a bowel regulator in young poults; and that it would be efficacious as a tonic to run-down birds after outbreaks of coccidiosis, blackhead, and intestinal disorders. The labeling also bore statements representing and suggesting that the *K-M* would lessen the death loss in baby chicks and increase their growth; that it would be efficacious in preventing epidemics; that it possessed curative and tonic properties which would produce amazing results; that, when used in conjunction with *Mor-O*, it would be efficacious in the treatment of coccidiosis when it was violent and when droppings were bloody, caused by hemorrhages in the intestines; and that, when used in conjunction with *Wor-Mor Tablets*, it would help hens stay free from worms and would be an efficacious tonic after worming. The article did not possess curative and tonic properties which would produce amazing results, and it would not be efficacious for the purposes represented.

Mor-O, misbranding, Section 502 (a), certain statements in an accompanying circular entitled "Poultry Health News" were false and misleading since they represented and suggested that the article would be an effective aid in the control of coccidiosis; and that, when used in conjunction with *K-M* (sometimes known as "*Kure-Mor*"), the article would be efficacious in the treatment of coccidiosis when it was violent and when droppings were bloody, caused by hemorrhages in the intestines. The article would not be efficacious for such purposes.

DISPOSITION: June 28, 1945. A plea of nolo contendere having been entered, the court imposed a fine of \$300 on each of the 3 counts.