

"Dr. Schultz' Vitalic Egg-Maker" which was enclosed with the article, were false and misleading since the article would not fulfill the promises of benefit suggested and implied. The statements represented and suggested that the article was necessary for the production of eggs; that it was a medicated tonic and conditioner for poultry; that it would keep poultry in a thriving, healthy condition, and would build blood and bone; that it would be effective in producing diuresis and laxation; that it would stimulate the appetite and improve the general tone and condition of poultry; that it would be effective in checking worms and parasites in the intestinal tract of poultry and would prevent losses in poultry; that it would promote quick gains and rapid growth and would be effective in eliminating toxic poisons from clogged systems.

Dr. Hisom Colic Medicine. Misbranding, Section 502 (a), certain statements on the label of the article were false and misleading. The statements represented that the article would be efficacious in the cure, mitigation, and treatment of colic, flatulence, and bloat in horses and cattle, whereas it would not be efficacious for such purposes. Further misbranding, Section 502 (b) (2), the containers of the article bore no label containing a statement of the quantity of the contents; and, Section 502 (e) (2), the article was not designated solely by a name recognized in an official compendium and was fabricated from two or more ingredients, and its containers bore no label containing a statement of the quantity, kind, and proportion of alcohol present in the article.

Dr. Hisom's German Fistula Remedy. Misbranding, Section 502 (a), certain statements on the label of the article which represented and suggested that the article would be efficacious in the cure, mitigation, and treatment of fistulas, were false and misleading since the article would not be efficacious for such purposes; Section 502 (b) (2), the container bore no label containing a statement of the quantity of the contents; and, Section 502 (e) (2), the article was not designated solely by a name recognized in an official compendium and was fabricated from two or more ingredients, and its label failed to bear the name and the quantity and proportion of arsenic present in the article.

Vena-Cide Powder. Misbranding, Section 502 (a), certain statements on the label of the article which represented and suggested that the article would be efficacious in the cure, mitigation, treatment, and prevention of white diarrhea, cholera, and other contagious diseases of chickens, were false and misleading since the article would not be efficacious for such purposes; and, Section 502 (b) (2), the container of the article bore no label containing a statement of the quantity of the contents.

Dr. Schultz's Chick Tablets. Misbranding, Section 502 (a), certain statements on the label of the article, and in a circular entitled "1947 Price List" which was shipped prior to the shipment of the article, were false and misleading since the article would not be effective for the purposes, and would not fulfill the promises of benefit, suggested and implied. The statements represented and suggested that the article when used as directed would be capable of producing an astringent effect upon the intestinal tissue of poultry; that it would be efficacious in the cure, mitigation, and treatment of coccidiosis, fowl typhoid, fowl cholera, and white diarrhea in poultry; that it would be efficacious in the cure, mitigation, and treatment of blackhead in poultry; that it was an intestinal antiseptic; that it would relieve inflammation and would soothe the intestinal tissue; that it would disinfect drinking water; that it would help chicks through critical stages; and that when used in small doses, it would be effective to prevent diseases in poultry, and when used in large doses, it would be effective to cure diseases in poultry.

The information alleged also that the *Dr. Schultz Vitalic Egg-Maker* was misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: March 10, 1948. Pleas of nolo contendere having been entered, the court imposed a fine of \$75 and costs against the defendants jointly.

2544. **Misbranding of Miller's Liquid Hog Medicine and Miller's Sul-Pho Tablets. U. S. v. Miller Chemical Co., Inc., and David G. Miller. Pleas of nolo contendere. Fines of \$75 against corporation and \$25 against individual, together with costs.** (F. D. C. No. 24226. Sample Nos. 52335-H, 52337-H, 77579-H.)

INFORMATION FILED: August 5, 1948, District of Nebraska, against the Miller Chemical Co., Inc., Omaha, Nebr., and David G. Miller, president of the corporation.

ALLEGED SHIPMENT: On or about April 3 and 17 and May 5, 1947, from the State of Nebraska into the State of Minnesota.

PRODUCT: Analyses disclosed that the *Miller's Liquid Hog Medicine* consisted essentially of sodium hydroxide, sodium carbonate, sodium sulfate, camphor, anise, creosote and other phenolic compounds, potassium arsenite, and water; and that the *Miller's Sul-Pho Tablets* consisted essentially of boric acid, sodium phenolsulfonate, zinc phenolsulfonate, calcium phenolsulfonate, and copper arsenite, and was devoid of bactericidal properties when used at the recommended concentration and at 30 times the recommended concentration.

LABEL, IN PART: "Miller's Liquid Hog Medicine Concentrated," and "Miller's Sul-Pho Tablets * * * Directions As soon as birds are old enough to drink, dissolve two to four tablets in every gallon of drinking water * * *."

NATURE OF CHARGE: *Miller's Liquid Hog Medicine.* Misbranding, Section 502 (a), certain statements on the label of the article were false and misleading, since they represented and suggested that the article would be efficacious in the cure, mitigation, treatment, and prevention in hogs of intestinal infections and diarrheas associated with hyperacidity, whereas the article would not be efficacious for such purposes.

Miller's Sul-Pho Tablets. Misbranding, Section 502 (a), certain statements on the label of the article were false and misleading, since they represented and suggested that the article when used as directed would disinfect poultry drinking water and would aid in preventing the spread of diseases in poultry, whereas the article when used as directed would not accomplish the results claimed.

DISPOSITION: September 21, 1948. Pleas of nolo contendere having been entered, the court imposed a fine of \$75 against the corporation and \$25 against the individual, together with costs.

2545. Misbranding of Noxaton, NBX Liquid for Poultry, CWD Liquid for Poultry, Nox Inhalant Spray for Poultry, and FTC Liquid for Poultry. U. S. v. William J. Wendt (Northern States Poultry Service Co.). Plea of guilty. Fine, \$450. (F. D. C. No. 24254. Sample Nos. 24422-K, 24423-K, 24425-K to 24428-K, incl.)

INFORMATION FILED: May 4, 1948, District of Minnesota, against William J. Wendt, trading as the Northern States Poultry Service Co. at Luverne, Minn.

ALLEGED SHIPMENT: From the State of Minnesota into the State of Iowa. The products were shipped between the approximate dates of May 11, 1946, and September 13, 1947, and booklets entitled "Guide to Poultry Service," leaflets entitled "Get More Eggs," and post cards entitled "Double the Aid with this Powerful Combination" were shipped on or about June 12 and August 28, 1947.

PRODUCT: Analyses disclosed that the *Noxaton* was a powdered mixture containing 7.78 percent of copper sulfate, 0.31 percent of nicotine, 0.063 percent of strychnine, and 0.02 percent of potassium iodide, ferrous sulfate, and plant matter including fragments of seeds, bark, roots, wood, leaves, resins, starch, and aromatic substances; that the *MBX Liquid for Poultry* was a dark-brown aromatic liquid containing 7.18 grams per 100 milliliters of potassium chlorate and 3.59 grams per 100 milliliters of potassium dichromate, together with small amounts of camphor, guaiacol, creosote, and eucalyptus; that the *CWD Liquid for Poultry* was a dark-brown liquid with sediment containing 0.64 percent of copper phenolsulfonate, 4.01 percent of zinc phenolsulfonate, 1.29 percent of calcium phenolsulfonate, and 1.80 percent of sodium phenolsulfonate; that the *Nox Inhalant Spray for Poultry* was a yellow, oily liquid containing mineral oil and about 50 percent of volatile oil consisting of a mixture of creosote, camphor, eucalyptus, and oil of pine; and that the *FTC Liquid for Poultry* was a greenish-blue liquid containing 1.86 percent of copper phenolsulfonate, 7.16 percent of zinc phenolsulfonate, 0.73 percent of calcium phenolsulfonate, and 1.8 percent of sodium phenolsulfonate.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the labeling were false and misleading, since the articles alone or in combination with each other, as suggested in the labeling, would not be effective for the purposes claimed. The false and misleading claims in the labeling represented, suggested, and created the impression, as follows:

That the *Noxaton* would be efficacious to stimulate digestion in badly run-down poultry and would help build up and keep flocks in top-notch condition;