

DRUGS FOR VETERINARY USE

2928. Misbranding of Liquid Hog Medicine. U. S. v. Roy L. Harris (R. L. Harris Co.). Plea of nolo contendere. Fine of \$50 plus costs. (F. D. C. No. 25622. Sample Nos. 51685-H, 25864-K.)

INFORMATION FILED: March 28, 1949, District of Nebraska, against Roy L. Harris, as a partner in the partnership of the R. L. Harris Co., and as an individual trading as the R. L. Harris Co., at Omaha, Nebr.

ALLEGED SHIPMENT: On or about October 12, 1946, and July 30, 1948, from the State of Nebraska into the States of South Dakota and Minnesota.

PRODUCT: Analysis showed that the product consisted of a solution containing sodium hydroxide, sodium carbonate, and sodium sulfate, with small amounts of strychnine, creosote, and guaiacol.

LABEL, IN PART: "Harris Blu-Rib-Un Liquid Hog Medicine."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label of the article were false and misleading. These statements represented and suggested that the article would be efficacious in the cure, mitigation, and treatment of disease conditions of hogs, and in the cure, mitigation, and treatment of excess acid conditions in the stomach, intestinal infections, and diarrheas associated with hyperacidity in hogs. The article would not be efficacious for the purposes represented.

DISPOSITION: November 23, 1949. A plea of nolo contendere having been entered, the court imposed a fine of \$50, plus costs.

2929. Misbranding of Dia-Ton, Ry-Ton, Ton-It, and Kosa-Ton. U. S. v. 60 Bottles * * * (and 3 other seizure actions). (F. D. C. No. 27633. Sample Nos 43205-K to 43208-K, incl.)

LIBELS FILED: August 10, 1949, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about December 30, 1947, and February 16 and October 5, 1948, by Kilz-Jerm Laboratory, from Toledo, Ohio.

PRODUCT: 60 bottles of *Dia-Ton*, 12 bottles of *Ry-Ton*, 8 bottles of *Ton-It*, and 20 bottles of *Kosa-Ton* at Union City, Mich. The bottles were of various sizes, ranging from half-pint to half-gallon.

LABEL, IN PART: "Dia-Ton * * * Active Ingredients . . . 3.15% alkyl-dimethyl-benzyl-ammonium chloride," "Ry-Ton * * * Ingredients: Solution, 6.5% Potassium Bichromate, Cresote, N. F., Sodium Chloride (salt), .25% Potassium Iodide, Magnesium Sulphate (Epsom salts), Inert water," "Ton-It * * * Ingredients: Decoction of Digitalis, Ginger .65%, Nux Vomica 1.1%, (less than .01 grain Strychnine per ounce), Areca Nut 1.1%, Gentian 1.1%, Kamala, Capsicum, Anise Seed, American Worm Seed 1.1%, also Copper Sulphate, Iron Sulphate, Inert water, insoluble pulp removed," and *Kosa-Ton* * * * Ingredients: Solution Acetic Acid, Quebracho, Epsom Salt."

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements on the labels of the articles were false and misleading since they represented and suggested that the articles were effective in the prevention and treatment of disease conditions and for the purposes mentioned, whereas the articles were not so effective: (*Dia-Ton*) "For Chickens For Turkeys * * * Baby Chicks, Baby Poults—Feed one tablespoon *Dia-Ton* to each gallon of all drinking water until chicks or poults are two weeks old. When pasting is present at any age, feed two tablespoons *Dia-Ton* to each gallon of all drinking water."

Feed until flock is normal. Grown Chickens, Turkeys—Dia-Ton may be fed one tablespoon to each gallon of drinking water as a precaution against the spread of disease * * * Rabbits—Feed one tablespoon Dia-Ton to each gallon of all drinking water. Use continuously. When disease is noticed, use two tablespoons of Dia-Ton to each gallon of drinking water. Calf—When calf shows symptoms of scours, feed three or four tablespoons of Dia-Ton in one pint of warm milk. Repeat treatment in six or eight hours if needed," (Ry-Ton) "to relieve symptoms of colds, roup, etc. * * * Baby Chicks Up To 4 Weeks Old—When no symptoms of disease are present, feed one tablespoon full Ry-Ton to each gallon of drinking water. Feed two or three days each week. When symptoms of disease are present, feed two tablespoons full of Ry-Ton to each gallon of drinking water until relief is apparent * * * Hens And Growing Birds—When no symptoms of disease are present, feed one to two tablespoons Ry-Ton to each gallon of drinking water every other day. When symptoms of disease are present, feed four tablespoons full of Ry-Ton to each gallon of drinking water until relief is apparent. If severe symptoms are present, dip heads of affected birds in warm water solution containing one tablespoon Ry-Ton to each quart of water. Ry-Ton can be fed in a wet mash when preferred," (Ton-It) "To relieve Symptoms of Round Worms * * * Chickens * * * For Chicks: * * * Rabbits: * * * Hogs," and (Kosa-Ton) "To relieve Symptoms of Coccidiosis Chickens * * * When Symptoms of Disease Is Present * * * Rabbits."

Further misbranding, Section 502 (e) (2), the *Ton-It* contained digitalis, and its label failed to declare the quantity or proportion of digitalis or digitalis glucosides contained therein.

DISPOSITION: September 13, 1949. Default decrees of condemnation and destruction.

2930. Misbranding *Ski Hi* (for dogs). U. S. v. 24 Bottles * * *. (F. D. C. No. 27620. Sample No. 63688-K.)

LIBEL FILED: On or about August 18, 1949, Northern District of Georgia.

ALLEGED SHIPMENT: On or about May 24, 1949, by the Edisto Products Co., from Denmark, S. C.

PRODUCT: 24 half-ounce bottles of *Ski Hi* (for dogs) at La Fayette, Ga. Analysis showed that the product consisted essentially of a solution containing potassium iodide, iodine, and resorcinol, in a mixture of alcohol, glycerin, and water.

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements in a leaflet which was wrapped around the bottles of the article and which was entitled "*Ski Hi* An Important Announcement" were false and misleading: "The purpose of this little folder is to advise our many former customers and friends that because of a ruling of the Food and Drug Administration in Washington that *Ski Hi* was misbranded when sold as a remedy for Running Fits in dogs, it can no longer be sold as such. They base their ruling on the OPINION of veterinarians that it would not cure the disease, and regardless of the way we, or you may feel about it, we must abide by their ruling or be liable to criminal prosecution in the Federal Courts. However, we have gained permission from the Administration to sell it with a change in the label. The preparation as now labeled is identically the same as it always was. The directions are the same and inevitably the action the same. So, if you have used it for other ailments than the label now specifies, there is no control over your using it again for the same purpose. It is still a guaranteed remedy. It must satisfy." The above statements represented and suggested that the