

**7800. Misbranding of B. A. Thomas' Improved Hog Powder. U. S. \* \* \* v. 11 Pails, 24 Pails, 38 Pails, 36 Pails, and 24 Pails of \* \* \* B. A. Thomas' Improved Hog Powder. Consent decree of condemnation and forfeiture. Property released on bond. (F. & D. Nos. 9076, 9176, 9265. I. S. Nos. 1743-p, 16002-r, 16055-r. S. Nos. E-1046, E-1075, E-1091.)**

On or about June 1, 1918, and August 1, 1918, the United States attorney for the Southern District of Florida, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 11 pails, 24 pails, 38 pails, 36 pails, and 24 pails containing either 15 pounds or 30 pounds of a product, labeled in part "B. A. Thomas Improved Hog Powder," remaining at Plant City and Kissimmee, Fla., consigned by the Old Kentucky Mfg. Co., Paducah, Ky., alleging that the article had been shipped on or about March 14, 1918, May 27, 1918, and March 6, 1918, and transported from the State of Kentucky into the State of Florida, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of magnesium sulphate, ferrous sulphate, lime, salt, and traces of sulphur.

Misbranding of the article was alleged in substance in the libels for the reason that the label on the pails and the booklets contained in said pails bore and contained statements, regarding the curative and therapeutic effect of the article, which were false and misleading, that is to say, the label on the pails contained the following statements, "B. A. Thomas' Improved Hog Powder \* \* \* For hogs that will eat or to use this Remedy as a preventive for Cholera \* \* \* Remedy for such diseases as Cholera, Swine plague \* \* \*," and the circular contained in the said pails included the following, "B. A. Thomas' Hog Powder \* \* \* used it most successfully for a number of years with his own hogs for the cure and prevention of cholera and swine plague \* \* \* during a general epidemic of hog cholera in his county, which had spread to his own herd, that he first used this remedy with such splendid effect that he did not lose a single hog, although a number were past eating and were apparently in a hopeless condition. Proving so successful in this case he continued the use of it as a cure and preventive for cholera and swine plague \* \* \* A safe and effective remedy and preventive for contagious germ diseases, such as cholera, swine plague, \* \* \*. As a preventive it has no equal, protecting from disease by removing the cause. \* \* \* If used as directed we positively guarantee one pound B. A. Thomas' Improved Hog Powder to cure any one case of hog cholera, or we will refund your money," whereas said statements, above set forth, contained on said label and in said booklet enclosed with the pails, with reference to the curative and therapeutic effects of said article, were false and fraudulent in that said product contained no ingredient or combination of ingredients capable of producing the therapeutic effects in said statements above set forth.

On April 24, 1919, the cases having been consolidated into one proceeding, and the said Old Kentucky Mfg. Co., claimant, having admitted the allegations contained in the libels, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to said claimant upon payment of all costs of the proceeding and execution of bond in the sum of \$1,000, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*