

500 Capsules Mixed Treatment \* \* \* Sol. Arsenous and Mercuric Iodides 2 min. \* \* \* Atblake Laboratories, Inc. Laboratories: Syracuse, N. Y."

The article was alleged to be adulterated in that its strength and purity fell below the professed standard or quality under which it was sold in that each capsule was represented to contain 2 minims of solution of arsenous and mercuric iodides, equivalent to one three-hundredth of a grain of arsenic; whereas each tablet contained more than 2 minims, namely, not less than 8.98 minims of solution arsenous and mercuric iodides, equivalent to not less than one seventh of a grain of arsenic.

On November 7, 1934, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$25.

*M. L. WILSON, Acting Secretary of Agriculture.*

**24059. Misbranding of Ten-In-One. U. S. v. 238 Small Bottles and 118 Large Bottles of Ten-In-One. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 32979. Sample nos. 72513-A, 72514-A.)**

This case involved shipments of a drug preparation which was misbranded because of unwarranted curative and therapeutic claims in the labeling.

On June 20, 1934, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 238 small bottles and 118 large bottles of Ten-In-One at Kearney, Nebr., alleging that the article had been shipped in interstate commerce on or about February 24 and March 15, 1934, by the France Drug Co., from Forest City, Mo., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of potassium chlorate, phenol, alcohol, and water.

The article was alleged to be misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the labeling, were false and fraudulent: (Bottle label, small size) "For the Treatment and Prevention of Gapes, Colds, Roup and Other Bronchial Diseases of Poultry \* \* \* One bottle to each barrel fed in either morning or afternoon feed will prevent Gaps and keep poultry on good feed. Where Gaps are present use one bottle to each barrel in all feed used until they disappear. In extreme bad cases use 2 bottles to barrel until results are secured, which should be second day,"; (circular) "A Preventive for Bronchial Pneumonia (Commonly Called Gaps)—In Poultry— \* \* \* One bottle mixed in each barrel in either morning or evening feed will prevent Gaps starting in a car and keep birds eating full feed. If Gaps or snotty noses in car, use one bottle in each barrel fed during the day and until the birds all are eating good, which is usually the second day with this treatment. In badly effected cases you can double the dose by using two bottles to each barrel, until condition improves. It is necessary that effected birds get their share of the feed with the remedy. \* \* \* After chicken starts to Gap for breath, they will not eat, \* \* \* pour a little down their throats, then if placed where they can get feed will usually soon eat and can finish their cure in feed. \* \* \* Ten-in-one clears up the throat and lungs, reduces the fever, and birds eat better and have a brighter appearance at unloading dock or after dressed. \* \* \* Start to feed this in your plant when birds are first received and prevent Gaps getting a start. Each dollar spent for Ten-in-one will make you several dollars in saving loss and showing gains"; (bottle, label, large size) "A prevention and treatment of Roup, Gapes, Flu, Colds, Fever, Discharge from Nostrils, Watery Eyes and Bowel Infections \* \* \* Ten-in-one is an aid in keeping poultry healthy. A healthy chick is a profitable fowl. Start your chicks right and keep them healthy"; (leaflet enclosed with large size, headed "Remove this label and paste on jug") "A Treatment and Prevention for Roup, Gapes, Colds, Flu, Fever, Discharge From Nostrils, Watery Eyes, Bowel Infections in Poultry \* \* \* In extreme cases triple the dose \* \* \* Sick Chickens do not eat or drink well. To relieve them make a solution, one-half Ten-in-one and one-half water, pour one-half teaspoonful down throat and wash head of ailing bird, then continue regular treatment."

On November 9, 1934, G. W. Butler, Kearney, Nebr., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be relabeled under the supervision of this Department.

*M. L. WILSON, Acting Secretary of Agriculture.*