1495. Misbranding of Midwest Vi-Tonic for Hogs. U. S. v. 9 Bags of Midwest Vi-Tonic for Hogs. Default decree of destruction. (F. D. C. No. 13839. Sample No. 67971–F.)

On October 4, 1944, the United States attorney for the Southern District of Ohio filed a libel against 9 100-pound bags of the above-mentioned product at London, Ohio, alleging that the article had been shipped on or about May 12, 1944, by the Midwest Mineral Co., Greenwood, Ind.

Analysis of a sample showed that the product consisted essentially of compounds of calcium, sodium and iron including phosphates, carbonates, sulfates and chlorides, charcoal and organic material including American wormseed and a trace of combined iodine. The article did not contain copper compounds.

The article was alleged to be misbranded in that certain statements on various labels and in an accompanying circular entitled "Midwest Vi-Tonic" were false and misleading since they represented and suggested that the article was effective in the prevention and treatment of the disease of hogs known as necro or necrotic enteritis and of pig troubles such as thumps and white scours, and in the treatment of indigestion, in regulating the bowels, and in relieving fever; that the product contained ingredients which possessed intestinal antiseptic value; and that the ingredients American wormseed, gentian, and fenugreek are tonics which would purify the blood stream and stimulate the liver and kidneys to throw off poisons. The article would not be efficacious for the purposes claimed; it did not contain ingredients which possessed intestinal antiseptic value; and American wormseed, gentian, and fenugreek are not tonics which would purify the blood stream and stimulate the liver and kidneys to throw off poisons.

On November 14, 1944, no claimant having appeared, judgment was entered ordering the product destroyed.

1496. Misbranding of Dr. David Roberts Worm Seed, Udder Balm, and Udderine. U. S. v. 69 Cartons of Worm Seed, 122 Cartons of Udder Balm, 21 Bottles of Udderine, and 600 Booklets. Default decree of condemnation and destruction. (F. D. C. No. 13779. Sample Nos. 71072–F, 71074–F, 71075–F.)

On or about September 19, 1944, the United States attorney for the District of Oregon filed a libel against 69 15-ounce packages of Worm Seed, 122 6-ounce cartons of Udder Balm, 21 4-ounce bottles of Udderine, and 600 booklets entitled "The Cattle Specialist," at Portland, Oreg., alleging that the articles had been shipped on or about May 18, 1944, by the Dr. David Roberts Veterinary Co., from Waukesha, Wis.

Microscopic examination of the Worm Seed showed that the article consisted of ground vegetable tissues, such as wheat grain, linseed, wormseed, corn grain, tobacco stems, quassia wood, licorice root, bean pod, and locust, together with mineral matter such as partially dried iron sulfate, copper sulfate, potassium nitrate, boric acid, and carbon particles such as charcoal. This examination did not show the presence of any male fern. Chemical analysis showed that the article contained 0.90 percent phenothiazine and 0.14 percent nicotine. The article was alleged to be misbranded in that certain statements on the carton label and in the accompanying booklet were false and misleading since they implied that the article contained male fern and phenothiazine in sufficient amounts to be an effective treatment for common worms which infest poultry and livestock, when administered in accordance with the directions in the labeling, whereas the article contained no male fern and but an insignificant amount of phenothiazine, and it would be of no value when used as directed for any species of worms which infest livestock and poultry.

Analysis of the Udder Balm showed that it was an ointment composed of saponifiable and unsaponifiable fatty matter, together with volatile oils such as turpentine, eucalyptus, and sassafras. Analysis of the Udderine showed that it was an emulsion consisting of water, chloroform, soap, ammonium chloride, and turpentine. Both articles were alleged to be misbranded in that certain statements on the carton labels and in the accompanying booklet were false and misleading since they implied that the articles, when used as directed, would be efficacious in the treatment of mastitis, caked and swollen udder, and other udder troubles of cows, whereas the articles, when used as directed, would have no value in the treatment of any disease condition of the udder of cows.

On November 8, 1944, no claimant having appeared, judgment of condemnation was entered and the products and booklets were ordered destroyed.