

or other diseases in poultry; and would be efficacious to produce the beneficial effects implied by the expression "It Builds" were false and misleading, since it would not be efficacious for such purposes.

The Pep-O-Tone was alleged to be misbranded in that statements in the labeling which represented that it would be efficacious in the treatment of bronchial and pneumonic conditions, diarrhea in chicks, coccidiosis, fowl cholera, small worms, roup, and all common diseases of baby chicks; would tone and build up baby chicks and prevent disease; and would prevent disease if used at all times were false and misleading, since it would not be efficacious for such purposes. It was alleged to be misbranded further in that the statement "Copper Sulphate 3%," borne on the label, was false and misleading, since it contained not more than 0.81 percent of copper sulfate.

On May 6, 1941, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100.

648. Misbranding of N-K Capsules. U. S. v. 2 Cases of N-K Capsules Adult Size and 4 Cases of N-K Capsules Chick and Pullet Size. Decree of condemnation and destruction. (F. D. C. No. 2650. Sample Nos. 24368-E, 24369-E.)

On August 22, 1940, the United States attorney for the District of New Jersey filed a libel against the above-named products at Vineland, N. J., alleging that they had been shipped on or about May 22, June 11, and July 12 and 16, 1940, by Pratt Food Co. from Philadelphia, Pa.; and charging that they were misbranded.

Analyses of samples of the articles showed that they consisted essentially of nicotine (0.8 grain per capsule in the adult size and 0.35 grain per capsule in the chick size), sulfur, aloin, kamala, strychnine, burnt sienna, talc, sugar, carbon, a magnesium compound, and stearates.

The adult-sized capsules were alleged to be misbranded in that their labeling bore representations that they were efficacious in the expulsion or removal from chickens of the following species of tapeworms: *R. Tetragona*, *D. cesticillus*, *D. echinobothrida*, and *M. lucida*, which representations were false and misleading since they would not be efficacious in the expulsion or removal of any species of tapeworms from chickens.

The chick-sized capsules were alleged to be misbranded in that their labeling bore representations that they were efficacious in the expulsion or removal from chickens of the following species of tapeworms: *R. tetragona*, *D. cesticillus*, *D. echinobothrida*, and *M. lucida*, and in the expulsion or removal of large roundworms, which representations were false and misleading since they would not be efficacious in the expulsion or removal of any species of tapeworms, and because of the small amount of nicotine present they would not be efficacious in the expulsion or removal of large roundworms.

On October 11, 1941, Pratt Food Co., intervening defendant, having stated that it had ceased manufacturing and marketing these or similar products and that it had no intention of doing so in the future, and having made application for permission to withdraw exceptions to the libel and petition for intervention previously filed in its behalf, the court granted the application to withdraw the exceptions to the libel, and entered a decree of condemnation and destruction.

649. Misbranding of Lipscomb's Sungold Egg Pellets. U. S. v. 17 Bags of Lipscomb's Sungold Egg Pellets. Default decree of condemnation and destruction. (F. D. C. No. 5014. Sample No. 67195-E.)

The labeling of this product bore false and misleading representations regarding its efficacy in the control and treatment of worms in poultry.

On June 27, 1941, the United States attorney for the Eastern District of Arkansas filed a libel against 17 bags of the above-named product at Hoxie, Ark., alleging that the article had been shipped in interstate commerce on or about May 8, 1941, by the Lipscomb Grain & Feed [Seed] Co. from Springfield, Mo.; and charging that it was misbranded.

Analysis showed that the article consisted of brown, cylindrical pellets containing chiefly ground plant material, together with small amounts of nitrogenous material and mineral matter, including calcium, iron, sodium, magnesium, manganese, sulfur, carbonate, and a minute quantity of nicotine.

The article was alleged to be misbranded in that statements in the labeling which represented that it would be efficacious in the treatment and control of worms; that it would provide a "wall of protection" against worms getting started; that it was an effective agent with which to combat all kinds of poultry worms in all stages of their life cycle; that it was equally valuable for chickens, turkeys, ducks, and geese; that it would protect fowls from