528. Misbranding of Pick-Me-Up Bath and Hangover Bath. U. S. v. 71 Bottles of Pick-Me-Up Bath and 60 Bottles of Hangover Bath. Default decree of condemnation and destruction. (F. D. C. No. 3779. Sample Nos. 50077–E, 50078–E.)

The labeling of these products bore false and misleading representations regarding their efficacy in the conditions indicated hereinafter, and also failed to bear the common or usual names of the active ingredients and the required declaration of alcohol.

On February 6, 1941, the United States attorney for the District of Columbia filed a libel against 65 3-fluid-ounce, 3 12-fluid-ounce, and 3 25-fluid-ounce bottles of Pick-Me-Up Bath and 53 3-fluid-ounce, 4 12-fluid-ounce, and 3 25-fluid-ounce bottles of Hangover Bath at Washington, D. C., alleging that the articles had been shipped in interstate commerce within the period from on or about February 7 to on or about December 21, 1940, by Xandra, Ltd., from New York, N. Y.; and charging that they were misbranded.

Analyses of samples of the articles showed that the Hangover Bath consisted essentially of ammonia (15.7 percent by weight), alcohol (40 percent by volume), water, and a green coloring matter; and that the Pick-Me-Up Bath consisted essentially of ammonia (16.5 percent by weight), alcohol (36 percent by volume), water and green coloring matter.

The articles were alleged to be misbranded in that the following statements on the labels were false and misleading: "Pick-Me-Up Bath" and "Hangover Bath." They were alleged to be misbranded further in that the labels did not bear the common or usual names of the active ingredients and a statement of the quantity or proportion of alcohol contained therein.

They were also alleged to be misbranded in violation of the Federal Caustic Poison Act, as reported in notice of judgment No. 110 published under that act.

On February 27, 1941, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

VETERINARY REMEDIES

529. Misbranding of Avirem Poultry Remedy. U. S. v. Henry F. Miller, Roy B. Poppleton, and Dewey K. Cosner (Livestock Products Distributors). Pleas of guilty. Fines, $150. (F. D. C. No. 2867. Sample No. 15575–E.)

The label of this product not only bore false and misleading therapeutic claims, but it also failed to bear a statement of the kind and quantity or proportion of alcohol that was contained in the article.

On April 16, 1941, the United States attorney for the Southern District of Illinois filed an information against Henry F. Miller, Roy B. Poppleton, and Dewey K. Cosner, trading as Livestock Products Distributors at Kewanee, Ill., alleging shipment by said defendants on or about January 6, 1940, from the State of Illinois into the State of Iowa of a quantity of Avirem Poultry Remedy that was misbranded.

Analysis of a sample of the article showed that it consisted essentially of dextrose, small proportions of magnesium sulfate, sodium hydroxide, sodium chloride, extracts of plant drugs including emodin-bearing drugs such as cascara sagrada, nux vomica, and alcohol (3.9 percent by volume), and water.

The article was alleged to be misbranded in that the statements "Rich in Dextrose * * * The Food Value Poultry Remedy * * * Food value induced by the dextrose content * * * will help your laying program. Increased production has been noticed by users everywhere," were false and misleading since it was not high in food value, would not increase egg production, and when used as directed would supply only an insignificant amount of dextrose. It was alleged to be misbranded further in that the name, "Avirem The Food Value Poultry Remedy," and statements in the labeling representing that it was a poultry remedy; that it would be efficacious in the treatment of coccidiosis, cholera, typhoid and other intestinal infections and disorders, of intestinal disturbances of baby chicks, and of worms, respiratory diseases and blackhead; that it would be efficacious to help prevent disease and keep poultry healthy; that it would build resistance and minimize worm infestation; that it would be efficacious in cases of droopiness and loss of color or appetite; and that its daily use would insure quick pick-up and sustained resistance, were false and misleading since it would not be efficacious for such purposes. It was alleged to be misbranded still further in that its label failed to declare the kind and the quantity or proportion of alcohol contained therein.

On April 22, 1941, the defendants entered pleas of guilty and the court imposed a fine of $50 on each, totaling $150.