

530. Misbranding of Pet-Eez. U. S. v. S. De Witt Lount (Pet-Eez Co.). Plea of guilty. Fine, \$100. (F. D. C. No. 2876. Sample Nos. 12822-E, 13019-E.)

The labels of both shipments of this veterinary product bore false and misleading therapeutic claims, and that of one shipment bore a false statement regarding its alcohol content.

On December 28, 1940, the United States attorney for the Northern District of California filed an information against S. De Witt Lount, trading as the Pet-Eez Co. at Oakland, Calif., alleging shipment on or about October 2, 1939, and February 1, 1940, from the State of California into the States of Nevada and Washington of quantities of Pet-Eez that was misbranded.

Analyses of samples of the article showed that the portion which was shipped into the State of Nevada consisted essentially of volatile oils including cubeb oil, cinnamon oil, bergamot oil, isopropyl alcohol (12.8 percent by volume), and water; and that the portion shipped into Washington consisted essentially of volatile oils including cubeb oil, cassia oil, isopropyl alcohol (12.4 percent by volume), and water.

The article was alleged to be misbranded in that its labeling bore representations that it was efficacious as a treatment, preventive and cure for distemper; that it was efficacious in relieving the discomforts of colds, coughs, and distemper and would eliminate the danger of coughs, colds, distemper and respiratory ailments in dogs; that it was efficacious in the treatment of chorea, and would restore to health dogs which suffer from chorea and loss of the use of hind quarters; that one or two drops of it in each nostril two or three times a week, when dogs are permitted to run at large or when they come in contact with other dogs, and its administration two or three times a week to puppies up to the age of 1 year, would be an efficacious preventive of disease in dogs and puppies; and that it was a germicide, which representations were false and misleading since it would not be efficacious for the purposes recommended. A portion of the article was alleged to be misbranded further (1) in that the statement "Alcohol 20 per cent," borne on the bottle label, was false and misleading since it contained no ethyl alcohol but did contain isopropyl alcohol; and (2) in that it was fabricated from two or more ingredients and contained isopropyl alcohol, but its label did not state the quantity, kind, and proportion of alcohol, i. e., isopropyl alcohol, that it contained.

On January 14, 1941, the defendant entered a plea of guilty and was fined \$100.

531. Misbranding of Harvey's Embrocation or Curb Bottle. U. S. v. 591 Packages of Harvey's Embrocation or Curb Bottle. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 3912. Sample No. 33018-E.)

On March 6, 1941, the United States attorney for the Southern District of New York filed a libel against 591 packages of the above-named veterinary product at New York, N. Y., alleging that the article had been shipped from Liverpool, England, by Harvey & Co. on or about November 22, 1940; and charging that it was misbranded.

Analysis of a sample of the article showed that it consisted essentially of an unsaturated oil such as croton oil, ethyl alcohol (63.1 percent by volume), isopropyl alcohol (9.1 percent by volume), and a red coloring matter.

It was alleged to be misbranded in that statements in the labeling that it would be efficacious in the treatment of splint, spavin, and bony enlargements or callosities, or for deep-seated lameness including shoulder lameness, sidebone, ring-bone, bog spavin, thoroughpin, navicular disease, defective horn, ophthalmia, glandular swellings, abscesses, sore throat and cough; that it would penetrate to the bone and therefore would be successful in the treatment of chronic lameness; and that it would go straight to the root of the malady, dissipating the disease without pain or injury; that Harvey's Aconite Powders would be efficacious in the treatment of chronic cough, broken wind, and other diseases of the organs of respiration in horses and cattle; that Harvey's Worm and Condition Powders would eradicate all worms in horses; and that Harvey's Hair-Restoring Ointment for Horses would restore hair in horses, were false and misleading since it would not be efficacious for such purposes. It was alleged to be misbranded further (1) in that the label failed to bear a statement of the quantity and proportion of ethyl alcohol and isopropyl alcohol; and (2) in that its container was so made, formed, or filled as to be misleading.

On April 24, 1941, Kopf Manufacturing Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was