1940, by the Dawes Products Co. from Denver, Colo.; and charging that it was misbranded.

Analysis showed that it consisted essentially of concentrated buttermilk and combined iodine.

The article was alleged to be misbranded in that the following statements in the labeling were false and misleading since they represented that it was efficacious for the purposes recommended; whereas it was not efficacious for such purposes: "Digestive Tract Control of Cocci * * * An Aid in Control of Coccidiosis Blackhead in Poultry Ducks Turkeys Game Fowls." It was alleged to be misbranded further in that the label failed to bear an accurate statement of the quantity of contents; in that the label failed to bear the name and address of the manufacturer, packer, or distributor; and in that it failed to bear the common or usual names of the active ingredients of the article.

On September 6, 1940, the Dawes Products Co., 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 for relabeling under the supervision of the Food and Drug Administration.

366. Misbranding of Ko-Ex-7 Powder and Ko-Ex-7 Mastitis Detector. U. S. v. 11 Packages of Ko-Ex-7 Powder and 11 Packages of Ko-Ex-7 Mastitis Detector. Default decrees of condemnation and destruction. (F. D. C. Nos. 2250, 2251. Sample Nos. 3665-E, 3666-E.)

The labeling of these veterinary products bore false and misleading representations regarding their efficacy in the conditions indicated hereinafter. The label of the Mastitis Detector failed to bear the common or usual name of the active ingredient, namely, bromthymol blue.

On June 25, 1940, the United States attorney for the Western District of Pennsylvania filed libels against 11 16-ounce packages of Ko-Ex-7 Powder and 11 packages of Ko-Ex-7 Mastitis Detector at Meadville, Pa., alleging that the articles had been shipped in interstate commerce on or about May 3, 1940, by the Sunset Feed & Grain Co., Inc., from Buffalo, N. Y.; and charging that they were misbranded.

Analysis showed that the Ko-Ex-7 Powder consisted essentially of potassium nitrate, ferrous sulfate, boric acid, together with small proportions of ammonia and plant material; and that the Ko-Ex-7 Mastitis Detector consisted of a square of blotting paper, a portion of which had been impregnated with an indicator such as bromthymol blue, the purpose of which was to determine whether a solution placed thereon was acid or alkaline in reaction.

The mastitis detector was alleged to be misbranded in that the following statements in the labeling were false and misleading: "To stop losses from Mastitis—Use the Ko-Ex-7 Mastitis Detector * * * If detector shows milk derangement segregate cow at once, and begin treatment." It was alleged to be misbranded further in that the label failed to bear the common or usual name of the active ingredient.

The Ko-Ex-7 Powder was alleged to be misbranded in that representations in the labeling that it was efficacious in the treatment of mastitis, or garget, that it would help correct faulty metabolism, that it would bring about normal milk secretion, that it would be efficacious to control mastitis and stop mastitis losses, were false and misleading since it would not be efficacious for such purposes.

On July 30, 1940, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

CRIMINAL PROSECUTIONS

367. Misbranding of Axine Plates. U. S. v. Walter Gordon Pervis. Tried to the court and a jury. Verdict of guilty. Defendant sentenced to 6 months in jail and $1,000 fine. Jail sentence suspended and defendant placed on probation for 2 years. (F. D. C. No. 958. Sample No. 72023-D.)

The labeling of this device bore false and misleading representations and designs regarding its efficacy in the conditions indicated below.

On June 1, 1940, the United States attorney for the Middle District of Georgia filed an information against Walter Gordon Pervis, of Tennille, Ga., alleging shipment on or about September 30, 1939, from the State of Georgia into the State of Missouri of a quantity of Axine Plates which were misbranded. Accompanying the article was a circular headed "Health Without Medicine" which bore a design showing two individuals, one an invalid on crutches opposite whom was a figure purporting to be the same individual but healthy and vigorous. Emanating from the heels of the healthy individual were radiations indicating