from coccidiosis, blackhead, and cecum worms (Heterakis gallina); that it would be efficacious in the treatment of pullets, hens, and turkeys that had gone "backward" or "light" due to chronic coccidiosis, blackhead, or cecum worms; that it would have a destructive action on the parasites causing coccidiosis and blackhead and on cecum worms and that it would be efficacious in the treatment of very severe cases of acute and chronic types of coccidiosis, were false and misleading since it would not be efficacious for such purposes.

On May 13, 1941, the defendant having entered a plea of not guilty, the case came on for trial before a jury. The trial was concluded on May 20 and the case was submitted to the jury, which after deliberating announced that it was unable to reach a verdict. The jury was thereupon discharged. The defendant, on December 23, 1941, withdrew his plea of not guilty and entered a plea of nolo contendere, which plea was accepted by the court and a fine of $100 was imposed.

843. Misbranding of Coccidiosis Mash. U. S. v. J. Kendley Martin (Standard Milling Co.). Plea of nolo contendere. Fine, $100. (F. D. C. No. 6445. Sample No. 37913–E.)

On May 20, 1942, the United States attorney for the Northern District of Georgia filed an information against J. Kendley Martin, trading as Standard Milling Co., at Atlanta, Ga. alleging shipment on or about April 15, 1941, from the State of Georgia into the State of North Carolina of a quantity of Coccidiosis Mash which was misbranded.

Analysis of a sample of the article showed that it consisted principally of wheat bran, wheat starch, finely ground yellow corn, a milk sugar by-product, yeast, and corn gluten meal, with smaller amounts of alfalfa leaf meal, meat scraps, soya bean meal, and salt, very little, if any, linseed tissues, and dried buttermilk, and a trace of oat product and peanut hulls.

The article was alleged to be misbranded in that the statements in the labelling which represented and suggested that it would be efficacious in the cure, mitigation, treatment or prevention of coccidiosis, were false and misleading since it would not be efficacious for such purpose.

On September 21, 1942, the defendant entered a plea of nolo contendere and on October 2, 1942, the court imposed a fine of $100.

844. Misbranding of Bovosan. U. S. v. Robert Gisler. Plea of not guilty. Tried to the court. Judgment of guilty on charge of failure to declare active ingredients and not guilty on charges based upon therapeutic claims. (F. D. C. No. 6487. Sample No. 60023–E.)

On April 2, 1942, the United States attorney for the Northern District of California filed an information against Robert Gisler of San Francisco, Calif., alleging shipment on or about December 16, 1940, from the State of California into the State of Oregon of a quantity of Bovosan which was misbranded.

Analysis of a sample of the article showed that it consisted essentially of small porportions of sulfur, phenolic compounds, and soap, incorporated in a base of petrolatum.

It was alleged that the article was misbranded in that statements appearing in the labeling which represented and suggested that it would be efficacious in the treatment of vaginitis and related diseases and that it would be efficacious to prevent infection of a healthy cow by a diseased bull or of a healthy bull by a diseased cow, were false and misleading, since the article would not be efficacious for such purposes. It was alleged to be misbranded further in that it was not designated solely by a name recognized in an official compendium, and was fabricated from two or more ingredients and its label did not bear the common or usual name of each active ingredient.

On May 26, 1942, the defendant having entered a plea of not guilty, the case came on for trial before the court without a jury. The trial having been concluded on May 29, 1942, the court entered judgment that the defendant was guilty on the charge of failure to declare the active ingredients, but was not guilty on the remaining charges. The court reserved sentence and on October 19, 1942, imposed a fine of $10.

845. Misbranding of cleaning powder, Bovostick, Powder No. 1, and Powder No. 2. U. S. v. 26 cans of Cleaning Powder, et al. Default decree of condemnation and destruction. (F. D. C. No. 5615. Sample Nos. 23002–E to 23005–E, incl.)

On September 19, 1942, the United States attorney for the Northern District of California filed a libel against 26 cans containing a product known as "Clean-