

Misbranding was alleged for the reason that the article was labeled, "Ether U. S. P." or "Ether for Anesthesia U. S. P.," which labels were false and misleading in that they led the public to believe that the article was ether which conformed to the standard of purity laid down in the United States Pharmacopoeia, whereas it did not.

On May 15, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18381. Misbranding of Phyllosan. U. S. v. 70½ Dozen Bottles of Phyllosan. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 25102 to 25112, incl., 25114 to 25119, incl., 25121, 25122, 25124, 25125, and 25126. I. S. No. 6010. S. No. 3374.)

Examination of a drug product, known as Phyllosan, from the shipment herein described having shown that the cartons, bottle label, and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Tennessee.

On September 20, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 70½ dozen bottles of Phyllosan, remaining in the original unbroken packages at Knoxville, Tenn., alleging that the article had been shipped by Lightfoot & Schulz Co., from New York, N. Y., on or about June 27, 1930, and had been transported from the State of New York into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended. The libel set forth the following statements from the labeling: (Display carton) "Builds Red Blood * * * Recommended for Anemia, High Blood Pressure, Hardening of Arteries, Malnutrition, Run-down condition;" (retail carton) "Stimulates Blood Making Organs, Builds Red Blood, Invigorates and Energizes;" (bottle label) "Builds Red Blood, Stimulates Blood Making Organs, Increases the Number of the Red Cells and the Hemoglobin * * * and Improves Metabolism."

Analysis of a sample of the article by this department showed that the tablets contained chlorophyll and compounds of calcium, aluminum, and iron, coated with sugar.

Misbranding of the article was alleged in the libel for the reason that the statements on the display cartons, on the retail cartons, and on the bottle, and especially in the circular accompanying each bottle, regarding the curative and therapeutic effects of the said article, were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

The statements which formed the basis for the seizure recommendation included the curative and therapeutic claims from the cartons and bottle labels above quoted, also the following statements contained in the circular referred to in the libel: "Read These Remarkable Reports [testimonials of Physicians] * * * The Practitioner—'Clinical experiments show that it brings about an increase of physical and vital forces.' * * * Health—'Phyllosan is deserving of very much wider application in the combat with disease.' * * * Medical Weekly—'Report on a large series of cases of Arteriosclerosis and other cardiac conditions: "In addition to the strengthening of the heart may be added an action of releasing vessel cramp with a general vitalizing effect. Together with this improvement a drop in blood pressure occurs simultaneously.'" * * * The Westminster Gazette—'It has been welcomed at several London hospitals, where patients have been rejuvenated by a course of treatment.' * * * 'A child has been here three months, so weak that she could not cry. Her condition improved considerably, and she was able to sit up and laugh and cry when necessary, and is a new creature. No doubt a splendid result and it can only be attributed to Phyllosan.' * * * Start Taking Phyllosan Today! It revitalizes and invigorates! * * * Invigorates the Blood. * * * What 'Phyllosan' Does: 1. Renews and revitalizes the blood by increasing its red cells and haemoglobin content, and accordingly definitely fortifies bodily resistance against disease. 2. Helps revitalize and energize the whole human organism. 3. Fills every body cell with renewed, vital energy, and increases the physical and vital forces, irrespective of age. 4. Invigorates the arteries, helps restore their elasticity, thus preventing and reducing high blood pressure in many cases. 5. Stimulates the heart muscles, thereby fortifying and strengthening the action of the heart. 6. Because of its stimulating effect on the blood

making organs it aids in building up bone and body tissues. A medicinal food that helps build tissue. 7. Improves the tone of the nerves. 8. Accelerates the elimination of toxins and waste matter from the body. * * * 'Phyllosan' presents the natural basic energy in a form readily absorbed into the blood, regenerating and enriching it with revitalizing elements which fill every cell in the body with new vitality, new energy—invigorating every bodily function, stimulating metabolic processes, fortifying the heart, and increasing the physical and vital forces. Anemia. 'Thin Blood.' Thousands of persons, men and women, are suffering from anemia, often called 'thin blood,' and do not know it. They are frequently diagnosed as ailing with some disease which is really due to anemia. Anemia is common in pregnancy, rheumatism, kidney trouble, heart weakness, defective food habits, obesity, and is the rule in all convalescence. 'Phyllosan' has been shown to benefit anemias which have failed to respond to iron. It immediately and progressively increases the vitality of the blood, restores the number of red cells to the full healthy count and increases their haemoglobin content. 'Phyllosan' has none of the unpleasant after-effects of the ordinary iron preparation and 'tonics,' and does not affect the teeth. Here is a marked case of chlorosis, a primary anemia, at times met with in growing adolescent girls. At the beginning of the treatment a blood test showed haemoglobin 20 percent and red cells 1,980,000 (should be about 4,700,000). At the end of five weeks' treatment with 'Phyllosan,' the blood test showed Haemoglobin 100 per cent and the red cells 4,860,000. Iron therapy was first tried and failed. A typical case of secondary anemia, that is, anemia associated with some ailment. Patient suffered with general debility and anemic condition of all mucuous membranes. The first blood test gave 3,800,000 red cells and 70 per cent of haemoglobin. After four weeks of 'Phyllosan' medication: red cells 4,800,000, haemoglobin 90 per cent. Patient had previously been treated with iron without results. These blood tests are positive. They are not dependent on what a patient may say. The blood examination tells a true story. 'Phyllosan' has been used with satisfactory results in thousands of cases of anemia. It has not proven of value in pernicious anemia or anemia associated with cancer. High Blood Pressure and Heart Weakness. 'Phyllosan' tends to ameliorate these conditions. It has been used in hundreds of cases. Dr. E. Gsell reported (1929), on the results obtained by the exclusive use of 'Phyllosan' on eight cases of high blood pressure, mostly with heart involvement. The patients ranged in ages from 55 to 70. Here are a few of the results. Blood pressure reduced from 175 to 135; from 200 to 146; from 220 to 180; from 185 to 120. The Doctor says, 'The diet of the patients was not changed or restricted in any manner.' The Doctor further says, 'In all of the patients who were examined by me, the general condition was improved. It (Phyllosan) proved itself an excellent remedy which stimulates the heart and is especially suitable for the treatment of circulatory disturbances which are due to arteriosclerosis. Important! Blood Pressure and Anemia. Why 'Phyllosan' is good for both. Some people are puzzled to understand why 'Phyllosan' should be effective for both 'Blood Pressure' and Anemia. This is due to a misunderstanding of the true nature of 'Blood Pressure.' * * * The Blood is the Life * * * (p. 14) The richer and redder this vital fluid is, the better it will do these tasks. 'Phyllosan' will help revivify the blood of even the thin and old. * * * 'Phyllosan,' in short possesses the capacity of stimulating metabolism, enhancing nutrition and increasing the resistance of the body to infections. 'Phyllosan' moreover is a mildly acting tonic which conduces to the improvement of general health and nutrition. * * * Convalescence. 'Phyllosan' is remarkably beneficial in convalescence—restoring vitality, reinvigorating the blood, increasing appetite, stimulating metabolism and accelerating the rebuilding of wasted tissues. Nervous Disturbances. Not only does the general revitalizing effect of 'Phyllosan' have a directly tonic effect upon the nervous system, but the improved blood stream increases the nutrition of the nerve fibres and generally restores a healthy normal tone. Backward, Listless Children. A course of 'Phyllosan' provides a natural means of stimulating the sluggish processes of growth, assisting the building of bone and body tissues, developing stamina, increasing appetite and promoting normal vigorous development. Particularly notable is the increase of energy and high spirits, resulting from a course of 'Phyllosan.'"

On April 10, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*