

25836. Misbranding of Pfeiffer's Sore Throat Remedy. U. S. v. 100 Bottles of Pfeiffer's Sore Throat Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 36545. Sample no. 54010-B.)

False and fraudulent curative and therapeutic claims were made for this article.

On October 28, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of a quantity of Pfeiffer's Sore Throat Remedy at Reading, Pa., alleging that the article had been shipped in interstate commerce on or about May 31, 1934, from St. Louis, Mo., and charging misbranding in violation of the Food and Drugs Act. The shipment was made by the S. Pfeiffer Manufacturing Co., St. Louis, Mo.

Analysis showed that the article contained per 100 milliliters: 0.8 gram of ammonium chloride, 1 gram of potassium chlorate, 2.2 grams of sodium benzoate, water, and glycerin, flavored with methyl salicylate.

Misbranding of the article was charged under the allegations that the following statements appeared upon and within the package, (bottle) "Sore Throat Remedy for Tonsillitis, Hoarseness, Thrush, Sore Mouth, Ulcerated Sore Mouth", (carton) "Sore Throat Remedy for Tonsillitis, Hoarseness, Sore Mouth, Ulcerated Sore Mouth"; (translation from German) "Medicine for Throat Illnesses * * *"; that the aforesaid statements were representations regarding the curative and therapeutic effect of the article, and that they were false and fraudulent.

On November 19, 1935, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

W. R. GREGG, *Acting Secretary of Agriculture.*

25837. Misbranding of Lydia E. Pinkham Tablets. U. S. v. 33 Small Packages and 54 Large Packages of Lydia E. Pinkham's Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30714. Sample nos. 30486-A, 30487-A.)

Examination of the drug preparation Lydia E. Pinkham's Tablets disclosed that the article contained no ingredient or combination of ingredients capable of producing the curative or therapeutic effects claimed for it in the labeling.

On July 12, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 87 bottles of Lydia E. Pinkham's Tablets at Baltimore, Md., alleging that the article had been shipped in interstate commerce in various shipments on or about May 18, June 1, and June 12, 1933, by the Lydia E. Pinkham Medicine Co., from Lynn, Mass., to Baltimore, Md., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that the tablets each contained 1½ grains of sodium monobenzy succinate and 2 grains of an extract of a plant drug such as viburnum.

It was alleged in the libel that the article was misbranded in that the package bore false and fraudulent representations regarding its effects in functional ailments of women such as irregular or suppressed menstruation, painful menstruation, and excessive menstruation. The detailed representations alleged to be false and fraudulent are essentially the same as those quoted in Notice of Judgment 25062.

On August 1, 1933, the Lydia E. Pinkham Medicine Co. appeared as claimant and filed an answer denying that the product was misbranded. On January 7, 1936, motion by the claimant for withdrawal of its answer having been granted, judgment of condemnation, forfeiture, and destruction was entered.

W. R. GREGG, *Acting Secretary of Agriculture.*

25837. Misbranding of Lydia E. Pinkham's Tablets. U. S. v. 33 Small Packages Diaplex. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 36589, 36623. Sample nos. 40716-B, 45941-B.)

False and fraudulent curative and therapeutic claims were made for this article.

On November 1, 1935, the United States attorney for the Northern District of California, and on November 18, 1935, the United States attorney for the Western District of Washington, each acting upon a report by the Secretary of Agriculture, filed in his respective district court a libel praying seizure and condemnation of 98 cartons of Diaplex at San Francisco, Calif., and 39 packages of Diaplex at Seattle, Wash., alleging that the article had been shipped in interstate commerce in part on or about August 26, 1935, and in part on or about

October 7, 1935, from Denver, Colo., to San Francisco, Calif., by H. W. Pierce, from Denver, Colo., into the States of California and Washington, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of plant material, largely stems, with a small proportion of saltbush.

The article was alleged to be misbranded in that the following statements appearing in the labeling were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton of portion) "Diaplex * * * Diaplex for Diabetics * * * Use two to three heaping tablespoons full of Diaplex to each pint of water, then bring to a boil or percolate in a porcelain or eathern coffee percolator for ten minutes. * * * Always serve Diaplex fresh and hot (never luke warm or cold). A diabetic should drink at least two quarts of Diaplex daily, for from three to nine months. Also watch the urine test daily and you will be amazed at the results. * * * Persons using Diaplex with insulin should make the urine test daily, and as the pancreas increases its normal function, reduce the amount of insulin sufficiently to avoid insulin reaction. Only use enough insulin to take care of the surplus sugar, and eventually eliminate the insulin entirely. But continue the use of Diaplex until you are well and strong. Persons who have never used insulin, and not in coma, will find it unnecessary to do so. All that will be required is to adhere to a good diabetic diet and drink two quarts daily of Diaplex for a few months, and like thousands of others he too, will rejoice in the grand activity of good health and vigor"; (carton of remainder) "Diaplex * * * For those whose blood-sugar tests 125 M. M. per C. C. or over, use four heaping tablespoons of Diaplex to the quart of water and percolate ten to fifteen minutes. Always serve Diaplex hot, never ice cold or luke warm. Should the urine analysis show an increase of sugar, make blood test to determine cause. An Adult should use two quarts of Diaplex daily and a child one, for nine to eighteen months. Diaplex is a food and will never lower the blood sugar below normal. Therefore, a great amount is effective, small doses are worthless. * * * Notice Persons using Diaplex with insulin should make a urine test daily, and as the pancreas increases its normal function, reduce the amount of insulin sufficiently to avoid insulin reaction. Only use enough insulin to take care of the surplus sugar, but continue the use of Diaplex until you are well and strong. If we help you * * *"

No claimant having appeared in either case, a default decree of condemnation, forfeiture, and destruction was entered on November 19, 1935, in the district court for the Northern District of California, and on January 27, 1936, in the district court for the Western District of Washington.

W. R. GREGG, *Acting Secretary of Agriculture.*

25839. Misbranding of Hem-Roid. U. S. v. 432 Bottles of Hem-Roid, and two other libel proceedings against the same product. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 36617, 36667, 37819. Sample nos. 45577-B, 55210-B, 70498-B.)

The labeling of this product bore therapeutic and curative claims which were adjudged to be false and fraudulent.

On November 14, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 432 bottles of Hem-Roid at Chicago, Ill. On December 16, 1935, a libel was filed against 96 bottles of Hem-Roid at Denver, Colo., and on June 16, 1936, a libel was filed against 48 bottles of the product at Philadelphia, Pa. The libels alleged that the article had been shipped in interstate commerce, in various shipments on or about October 14 and 28, 1935, April 10 and May 8, 1936, and that it was misbranded in violation of the Food and Drugs Act as amended. Portions of the article were shipped by the Dr. Leonhardt Co., from Buffalo, N. Y., to Chicago, Ill., and Denver, Colo., and the remaining portion was shipped by the Walgreen Co., from Chicago, Ill., to Philadelphia, Pa.

Analysis showed that the article consisted essentially of extracts of plant drugs including aloe and nux vomica; a small amount of witch hazel was found in one sample.

The article was alleged to be misbranded in that the bottle label and carton bore and the circular enclosed in the package contained statements regarding the therapeutic or curative effects of the article; that the said statements falsely and fraudulently represented that the article was a palliative treatment for attacks of piles caused or aggravated by acute hepatic congestion, and,