

The article was alleged to be misbranded in that its labeling bore false and fraudulent representations regarding its effectiveness in the treatment of sinusitis, hay fever, asthma, croup, bronchial infections, pneumonia, tonsillitis, bronchitis, and laryngitis. Portions of the article were alleged to be misbranded further in that the circular contained a diagram representing the anatomy of the upper respiratory passages and the sinuses connected therewith which was false and fraudulent since it created the impression that the article when used as directed, would be effective in treating diseased conditions of those parts of the anatomy represented in the diagram; whereas it would not.

On January 18 and January 24, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28339. Misbranding of Formula 281. U. S. v. Harry Gorov (Isabella Laboratories). Plea of nolo contendere. Fine, \$50. (F. & D. Nos. 39730, 39822. Sample Nos. 12804-C, 14459-C, 33781-C, 41238-C.)

The labeling of this preparation bore false and fraudulent representations regarding its curative or therapeutic effects and false and misleading representations that it was a safe and appropriate remedy for the reduction of fat; whereas it contained dinitroresol, a drug which is potentially dangerous.

On July 8, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Harry Gorov, trading as Isabella Laboratories, Chicago, Ill. On November 24, 1937, a second information was filed against the same defendant in the said judicial district. The informations alleged shipment by the defendant in violation of the Food and Drugs Act as amended, on or about October 7, 1936, and June 1, 11, and 28, 1937, from the State of Illinois into the States of Ohio, Utah, Michigan, and Wisconsin quantities of Formula 281 which was misbranded. The article was labeled in part: "Improved Formula 281 * * * Isabella Laboratories * * * Chicago, Ill."

Analyses showed that the article consisted of tablets containing dinitroresol and phenolphthalein, the samples examined containing from 0.32 grain to 0.46 grain of the former and 0.25 grain to 0.29 grain of the latter per tablet.

The article was alleged to be misbranded in that the bottle label bore the statements (1) "Scientifically Correct Fat Reducing Preparation," (2) "Dosage—1 to 3 Tablets Daily"; that there was attached to the bottle a leaflet bearing the statements (3) "Directions—For the first 3 days, take 1 tablet with a glass of water, after breakfast only; the next four days, take 1 tablet after breakfast and 1 after lunch; after that, take 1 tablet after each meal, 3 a day, *no more,*" (4) "we * * * have had proven beyond any question of doubt that this preparation does not affect the heart or other vital organs"; that the statement (1) represented that the article was a medicinally correct fat-reducing preparation in the sense of being in accordance with scientific standards, whereas it was not a medicinally correct preparation in such sense; in that the statements (2 and 3) implied that use of the article as directed was approved and recommended by scientific authority, i. e., those having scientific knowledge of the effects of drugs on the human body and that it was a medicinal agent capable of reducing fat without potential harm, whereas the use of the article had not been approved by such authority, and the statement (4) representing that it had been proven that the use of the article as directed for reducing fat would not affect the heart or other vital organs, whereas the article contained as its active ingredient dinitroresol, a drug potentially dangerous to the heart and other vital organs; and that the said statements were false and misleading.

The article was alleged to be misbranded further in that the statements borne on the labeling, (bottle) "Fat Reducing Preparation," (attached to bottle) "Have lost 77 lbs. Cannot praise them enough." "Have lost 75 lbs.," "Have lost 18 lbs. Never felt better in my life," "The three of us are well pleased with the results. We feel much better and it has shown absolutely no ill effects," "I have lost 27 lbs. in two months," "I used two bottles and lost 15 lbs.," "Have lost 10 lbs. and do not feel any discomfort from taking it," "Having wonderful results from your preparation. Walking more and feeling better than I have for a good many years," "Now literally burning the fat away. Glad I persevered.

Am making my dresses smaller"; (bottle) "Dosage—1 to 3 Tablets Daily"; (leaflet attached to bottle) "Directions. For the first 3 days, take 1 tablet with a glass of water, after breakfast only; the next 4 days, take 1 tablet after breakfast and 1 after lunch; after that, take 1 tablet after each meal, 3 a day, *no more*," were false and fraudulent in that they represented that the article was capable of reducing fat without endangering the health of any person if used as directed; whereas the article contained dinitrocresol as its active ingredient in a quantity sufficient to have a potentially harmful effect on the heart and other vital organs.

On December 7, 1937, the cases having been consolidated and a plea of *nolo contendere* having been entered by the defendant, he was sentenced to pay a fine of \$50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28340. Misbranding of cold capsules. U. S. v. S. Pfeiffer Manufacturing Co. Plea of guilty. Fine, \$300 and costs. (F. & D. No. 39773. Sample Nos 21601-C, 34553-C, 34554-C.)

These capsules contained greater amounts of acetanilid than declared.

On September 14, 1937, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the S. Pfeiffer Manufacturing Co., a corporation, St. Louis, Mo., alleging shipment by the said defendant in violation of the Food and Drugs Act on or about October 20, 1936, and March 5, 1937, from the State of Missouri into the State of Alabama of quantities of cold capsules which were misbranded. The article was labeled variously in part: "Gold Medal * * * Cold Capsules * * * S. Pfeiffer Mfg. Co., St. Louis, Mo. Distributors"; "Alpha Cold Capsules * * * Virginia Chemical Co., St. Louis, Missouri"; "Gray's Cold Capsules * * * Gray Pharmacal Co. St. Louis, Mo."

The article was alleged to be misbranded in that the statement borne on the packages, "Each Capsule Contains 1½ Grains Acetanilid," was false and misleading in that it represented that each of the capsules contained 1½ grains of acetanilid, whereas each of the capsules contained more than 1½ grains, to wit, not less than 1.79 grains of acetanilid; and in that it contained acetanilid, and the label on the package failed to bear a statement of the quantity or proportion of acetanilid contained therein.

On November 13, 1937, a plea of guilty was entered and the defendant was sentenced to pay a fine of \$300 and costs.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28341. Misbranding of Van's Magic Oil. U. S. v. Guy S. Vanderlinde. Plea of nolo contendere. Fine, \$50. (F. & D. No. 39827. Sample Nos. 34047-C, 34048-C.)

The labeling of this product bore false and fraudulent representations regarding its therapeutic and curative effects.

On November 15, 1937, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Guy S. Vanderlinde, Muskegon, Mich., alleging shipment by the said defendant in violation of the Food and Drugs Act as amended, on or about April 1 and 26, 1937, from the State of Michigan into the State of Illinois, of quantities of Van's Magic Oil which was misbranded. The article was labeled in part: "Van's Magic Oil Mfd by Guy S. Vanderlinde Muskegon, Mich. Successor To N. G. Vanderlinde."

Analysis of a sample of the article showed that it consisted essentially of volatile oils including camphor and eucalyptol (10 percent) incorporated in a base of linseed oil.

The article was alleged to be misbranded in that statements appearing in the labeling falsely and fraudulently represented its effectiveness in the treatment of nervous and inflammatory diseases, headache, toothache, rheumatism, lame back or side, neuralgia, burns, cuts, bronchitis, sore throat, coughs, hoarseness, piles, pains in back or side, and teething.

On November 18, 1937, the defendant entered a plea of *nolo contendere*, and he was sentenced to pay a fine of \$50

HARRY L. BROWN, *Acting Secretary of Agriculture.*