

namely, "Fluidextract Ergot (Fluidextractum Ergotae) U.S.P. \* \* \* Each cc. of this extract represents one gram or each fluidounce 456 grs. of Ergot."

Misbranding was alleged for the reason that the statements on the label "Fluidextract Ergot (Fluidextractum Ergotae) U.S.P. Physiologically Tested \* \* \* Each cc. of this extract represents one gram or each fluidounce 456 grs. of Ergot", were false and misleading.

On November 11, 1932, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20359. Misbranding of Painallay. U.S. v. 68 Bottles of Painallay. Default decree of condemnation, forfeiture, and destruction. F. & D. no. 27687. I.S. nos. 44456, 44469. S. no. 5750.)**

Examination of the drug product involved in this action disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle and carton labels.

On January 27, 1932, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 68 bottles of Painallay, remaining in the original unbroken packages at Fort Smith, Ark., alleging that the article had been shipped in interstate commerce on or about November 23, 1931, by the Painallay Co. from Kansas City, Mo., to Fort Smith, Ark., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of cresol (1 percent), small proportions of glycerin and saccharin, and water (98 percent).

It was alleged in the libel that the article was misbranded in that the following statements appearing on the labels, regarding the curative and therapeutic effects of the said article, were false and fraudulent: (Bottle label) "Painallay \* \* \* For Mouth and Throat A Scientific \* \* \* Anodyne Relieves Pain and Heals Beneficial in the treatment of \* \* \* Pyorrhea, Trench Mouth or Vincent's, Tonsillitis, etc. \* \* \* Painallay a preparation beneficially efficient in the treatment of Mouth and Throat infections and as a general prophylactic. It \* \* \* (healing) and relieves pain. As a Daily Mouth Wash and Gargle it promotes a healthy condition to the tissues by destroying bacteria. Directions For all mouth and throat infections \* \* \* Painallay is exceedingly beneficial in the treatment of the following and other infections to give relief from pain \* \* \* Pyorrhea and Inflamed Gums—Use full strength several times a day, slushing well between the teeth for 3 or 4 minutes. Dilute to a weaker solution as case improves. \* \* \* Vincent's or Trench Mouth—Follow directions as for pyorrhea. \* \* \* continue indefinitely even after case seems apparently cured. Extractions—After removal of teeth \* \* \* keep out infection. \* \* \* Sores—Saturate gauze or cotton and bandage on wound."

On January 10, 1933, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20360. Misbranding of Photo-Synthetic tea. U.S. v. Charles F. Diller (Photo-Synthetic Tea Co.). Plea of nolo contendere. Fine, \$25. (F. & D. no. 27533. I.S. no. 30613.)**

Examination of the drug product on which this action was based disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On June 3, 1932, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Charles F. Diller, trading as the Photo-Synthetic Tea Co., Lancaster, Pa., alleging shipment by said defendant, in violation of the Food and Drugs Act as amended, on or about June 24, 1931, from the State of Pennsylvania into the State of Massachusetts, of a quantity of Photo-Synthetic tea that was misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of ground *Equisetum arvense*.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices regarding the curative and therapeutic effects of the said article, falsely and fraudulently represented that it was effective, among other things, as a relief for diabetes; and effective to prevent anemia by making the sugar normal and the blood red.

On November 4, 1932, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20361. Misbranding of Thynn Tabs. U.S. v. 127 Packages, et al., of Thynn Tabs. Default decree of condemnation, forfeiture, and destruction.** (F. & D. nos. 29043, 29044, 29045, 29046, 29047, 29077, 29093. Sample nos. 9499-A, 12171-A, 20376-A, 20391-A, 20392-A, 22299-A, 22300-A, 22533-A, 28826-A.)

Examination of samples of the drug preparation Thynn Tabs disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. It also was claimed for the article that it contained no drugs, whereas analyses showed the presence of drugs. The matter was reported by the Secretary of Agriculture to the United States attorneys in whose districts various lots of the product were located.

On October 13, 14, 17, and 19, 1932, the United States attorneys for the Districts of Massachusetts, New Jersey, and Maryland and the Eastern District of Pennsylvania filed in the respective Federal District Courts, libels praying seizure and condemnation of various lots of Thynn Tabs at Springfield, Mass., Paterson, N.J., Baltimore, Md., and Philadelphia, Pa. On October 17, 1932, the United States attorney for the District of Columbia filed in the Supreme Court of the District of Columbia, holding a District Court, libels praying seizure and condemnation of quantities of the product at Washington, D.C. The said libels charged the following interstate shipments of the product: 127 packages shipped by the National New York Packing Co., from New York, N.Y., to Springfield, Mass., on or about September 22, 1932, the said shipment having been invoiced by the Obesity Research Bureau, Inc.; 112 packages shipped, on or about October 1, 1932, by the Obesity Research Bureau, by messenger, from New York, N.Y., to Paterson, N.J.; 538 packages shipped by the Obesity Research Bureau, Inc., from Newark, N.J., to Philadelphia, Pa., on or about September 21, 1932; and 1,234 packages shipped by the Obesity Research Bureau, Inc., from New York, in various consignments between the dates of August 1, 1932, and October 8, 1932, from New York to Philadelphia, Pa., Baltimore, Md., and Washington, D.C. It was further alleged in the libels that the article was misbranded in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of a laxative drug such as rhubarb, other powdered vegetable material including marine algae, sugar, inorganic material including chlorides and sulphates of sodium and magnesium, and a material supplying a trace of iodine.

Misbranding of the article was alleged in the libels for the reason that the following statements appearing in a circular shipped with the said article were false and misleading: "Containing no drugs, \* \* \* Thynn Tabs, which with the Thynn Tab Method, aids normal slenderizing without the use of drugs."

Misbranding was alleged for the further reason that the following statements appearing on the carton and in the said circular were false and fraudulent: (Carton) "Thynn Tabs \* \* \* Obesity Research Bureau"; (circular) "What Price Overweight? [A triangle design depicting a slender human figure and the legend "Thynn Tabs an aid to normal slenderizing"] Obesity Research Bureau \* \* \* The information set forth in the following pages represents the result of years of research and study in connection with Overweight and its ill effects on the human system. Technical phrases and obscure words have been eliminated; you are told in simple language the why and wherefore of Overweight and what must be done to eliminate this condition. \* \* \* How Many Years Do Those Extra Pounds Cost? You can't run an automobile when the motor is clogged with carbon. Fatty tissue is the carbon of the body. Like carbon in the motor, it slows down action—clogs the