The articles were alleged also to be misbranded under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: January 12, 1951. Default decree of forfeiture and destruction.

3396. Misbranding of Dr. Burnett's New Cold Remedy. U. S. v. 18 Bottles * * *. (F. D. C. No. 30843. Sample No. 2759–L.)

LIBEL FILED: February 16, 1951, Middle District of North Carolina.

ALLEGED SHIPMENT: On or about January 4, 1951, by Dr. Burnett Medicine Co., Inc., from Hillsville, Va.

PRODUCT: 18 6-ounce bottles of *Dr. Burnett's New Cold Remedy* at Mount Airy, N. C. Examination disclosed that the product consisted essentially of water, with small proportions of materials extracted from plant products.

LABEL, IN PART: (Bottle) "Dr. Burnett's New Cold Remedy Made From Botanical Drugs Contains the Following Sassafras, Pinus (Alba), Ulmus Fulva, 'Populus.' "

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statement "Cold Remedy * * * recommended for the relief of colds" was false and misleading since the article was not effective for the purpose recommended.

DISPOSITION: April 13, 1951. Default decree of condemnation and destruction.

3397. Misbranding of Dr. Burnett's Preparation. U. S. v. 41 Bottles, etc. (F. D. C. No. 30842. Sample No. 2865–L.)

LIBEL FILED: February 19, 1951, Southern District of West Virginia.

ALLEGED SHIPMENT: On or about January 18, 1951, by Dr. Burnett Medicine Co., Inc., from Hillsville, Va.

PRODUCT: 41 1-quart bottles and 15 1-pint bottles of *Dr. Burnett's Preparation* at Welch, W. Va., together with a number of large display cards and a number of circulars relating to the product. Examination disclosed that the product consisted essentially of water, with small proportions of materials extracted from plant products.

LABEL, IN PART: (Bottles) "Dr. Burnett's Preparation * * * Made From Botanical Drugs * * * Contains the Following: 'Populus,' 'Cornus Florida,' Pinus (Alba), Pinus (Virginia), Sassafras, Aralia Nudicaulis, Salix, Prunus (some species), Various species of Rubus, Carya (Hicoria), Prunus, Magnolia Acuminate, Nyssa Sylvatica, Ulmus Fulva."

NATURE OF CHARGE: Misbranding, Section 502 (a), the following statements appearing in the labeling of the article were false and misleading since the article was not effective for the purposes recommended: (Label) "recommended for tonic. Many have used it for other ailments and report satisfactory results"; (large display card) "For Good And Better Health"; and (circular) " 'I suffered over ten years with cough, also had rheumatism in my arms and legs so bad that I couldn't work,' 'I tried different kinds of medicines and remedies, but they all failed to bring me relief,' 'A friend of mine persuaded me to try Dr. Burnett's "New Medicine." After taking it one month I improved and after five months I fully recovered and I feel like a new man now,' 'I gained back my lost weight and strength. I have been well for three years now. I can eat and sleep fine and work hard every day,' and 'I think Dr. Burnett's "New Medicine" is wonderful. It brought me relief after everything else I tried had failed.' "

DISPOSITION: April 5, 1951. Default decree of condemnation and destruction.