

an article, labeled "Diaplex for Diabetes", at Los Angeles, Calif., alleging that it had been shipped in interstate commerce on or about November 18, 1935, by Lon James from Fort Collins, Colo., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of Diaplex showed that it consisted of plant material identified as a species of *Atriplex* (saltbush).

The article was alleged to be misbranded in that statements regarding its curative or therapeutic effect, appearing on the package labels, falsely and fraudulently represented that when used as directed by such statements, it would be an effective treatment and cure for diabetes.

On May 7, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

26745. Misbranding of GS. U. S. v. 17 Bottles of GS. Default decree of condemnation and destruction. (F. & D. no. 37588. Sample no. 52325-B.)

The bottle labels and packages of this product bore and contained false and fraudulent representations regarding its curative or therapeutic effects with respect to certain specified diseases.

On April 17, 1936, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 bottles of GS at Dallas, Tex., alleging that it had been shipped in interstate commerce on or about September 14, 1935, by the L. M. Gross Medicine Co., from Little Rock, Ark., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of GS showed that it consisted essentially of extracts of plant drugs, potassium iodide (0.5 gram per 100 cubic centimeters), alcohol, and water.

The article was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects, appearing upon and within the packages, falsely and fraudulently represented that when used as a medicine, it would be effective as a tonic and in curing pellagra, rheumatism, and liver and kidney trouble: (Carton containing the bottle) "GS is effective and made for the sick * * * Tonic * * * GS is offered to the sick * * *"; (bottle label) "Tonic"; (circular accompanying the package) "I have used 5 bottles of GS for Pellagra and I find it to be the very best medicine for that complaint * * * I am taking GS for Pellagra and it is doing wonderful work * * * I have taken GS for Rheumatism and it sure is a fine medicine * * * Enclosed find \$10 for a bottle of your GS Tonic * * * Your medicine is doing wonderful work for me. I feel that I am almost cured of that dreadful disease, Pellagra. * * * It is the only thing that helped my friends during their illness. * * * It is wonderful for Pellagra. * * * 'I have been suffering for eleven and one-half years. I was treated by 17 different physicians at Knoxville, Tennessee, and took the baths at Hot Springs, Arkansas, and various medicines. I weighed only 125 pounds. I had to sit on a pillow with one to my back and one to my lap. On February 15, 1906, I discovered what is known as GS. In 24 hours I felt relieved and in one month I was well. I haven't suffered from Rheumatism, Liver or Kidney Trouble since and now weigh 175 pounds.' At the solicitation of sufferers and their friends I have made this wonderful medicine for all who are suffering from Rheumatism or any disease of the blood, liver or Kidneys. It purifies the blood stream and carries the poison secretions out through the natural channels. When you get your blood, liver and Kidneys right you reach many diseases."

On June 18, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

26746. Misbranding of Booth's Hyomei. U. S. v. 11 Cases of Booth's Hyomei. Default decree of condemnation and destruction. (F. & D. no. 37597. Sample no. 55181-B.)

The bottle label and package of this article bore and contained false and misleading representations as to the quantity of alcohol it contained, its antiseptic properties, and its curative or therapeutic effects.

On April 21, 1936, 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 11 cases, containing

bottles of Booth's Hyomei and inhalers and absorbent gauze for administering said article, at Chicago, Ill., alleging that it had been shipped in interstate commerce on or about March 6, 1936, by the Kells Co., from Newburg, N. Y., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of volatile oils including eucalyptol and menthol, a small proportion of creosote, alcohol (not more than 8.9 percent by volume), and water.

It was alleged to be misbranded in that the statements, "Contains 12% Alcohol" on the bottle label, and "Contains 12½% Alcohol", "Contains 12½ Per Cent. Alcohol", and "An Antiseptic Breathing Treatment", on the cartons were false and misleading, since it contained materially less than 12 percent alcohol, and was not an antiseptic either in liquid or vapor form. Said article was alleged to be misbranded further in that it failed to bear a statement on the label of the quantity or proportion of alcohol that it contained, since the proportion of alcohol stated was incorrect. Said article was alleged to be misbranded further in that statements on the bottle label and carton, in a circular, and on a price list accompanying the package, falsely and fraudulently represented its curative or therapeutic effects with respect to catarrh of the head, nose, and throat, hay fever, catarrhal coughs and colds, bronchitis, bronchial catarrh, croup, spasmodic croup, snuffles, catarrhal laryngitis, swelling, stuffed-up head, hoarseness, husky voice, and inflamed membranes of the nose, throat, and bronchial tubes, difficult breathing, catarrhal coughs, difficult breathing or tightness in the chest, and sore throat.

On June 17, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

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

26747. Misbranding of Anti-Itch. U. S. v. 5 Dozen Jars of Anti-Itch. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. no. 37601. Sample no. 49286-B.)

The package containing this article bore false and fraudulent representations regarding its curative or therapeutic effects.

On April 21, 1936, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 5 dozen jars of Anti-Itch at Kansas City, Mo., alleging that it had been shipped in interstate commerce on or about February 8, 1936, by the Arnold Drug Co., from Topeka, Kans., and that it was misbranded in violation of the Food and Drugs Act.

Analysis of a sample of Anti-Itch showed that it consisted essentially of zinc oxide, petrolatum, and glycerin with small amounts of phenol, methyl salicylate, and a pink coloring material.

The article was alleged to be misbranded in that statements regarding its curative or therapeutic effects, borne on the label and contained in the package, "Anti-Itch (Stop That Scratch)", "For All Pruritic conditions", "A scientific treatment for eczema and other skin irritations", "Scabies (itch)", "For eczema and dry, scaly skin conditions", and "For most Skin Troubles, see how little you can use—not how much", falsely and fraudulently represented the article to be effective for all itching conditions, and to be effective for the treatment of eczema and of other skin irritations, scabies or dry, scaly skin conditions, and of most skin troubles.

The libel also alleged that the article was misbranded in violation of the Federal Caustic Poison Act, as reported in notice of judgment no. 57 published under that act.

On May 21, 1936, John B. Armstrong, Topeka, Kans., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered and it was ordered that the product be released under bond for relabeling.

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

26748. Misbranding of Bralot Rheumatic Tablets and Bralot Laxative Tablets. U. S. v. 29 Cartons of Bralot Rheumatic Tablets each containing a sample package of Bralot Laxative Tablets. Default decree of condemnation and destruction. (F. & D. no. 37620. Sample no. 46991-B.)

This case involved drug preparations the labeling of which bore false and fraudulent curative and therapeutic claims.

On April 20, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 cartons of Bralot