25036. Misbranding of Servex Antiseptic Powder. U. S. v. 9 Sets of Servex. Default decree of condemnation and destruction. (F. & D. no. 35289. Sample no. 26137–B.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On March 23, 1935, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine sets of Servex at Ogden, Utah, alleging that the article had been shipped in interstate commerce on or about February 4, 1935, by the Servex Laboratories, Ltd., from Hollywood, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of boric acid, quinine sulphate, and oxyquinoline sulphate.

The article was alleged to be misbranded in that the following statements appearing in the labeling were statements regarding the curative or therapeutic effects of the article and were false and fraudulent: (Circular) "It is not necessary to use a douche after Servex Powder. Yet, when a douche is desired, especially when congestion is marked and the hygroscopic action causes an increase of secretion it may be used at a convenient time * * * Doctors Tell Us that seventy-five per cent, three out of every four women suffer from various degrees of pelvic congestion. This congestion causes a feeling of weight and discomfort. It drains vitality and brings discord to the nervous system. Neglected, it insidiously wears down resistance and prepares the way for serious disorders. * * * that this condition is frequently associated with erosion of the cervix, the mouth of the womb. This causes a disturbing discharge—leucorrhoea. * * * that leucorrhoea is also commonly due to an infection in the vagina by the trichomonas vaginalis, which causes a profuse discharge often associated with burning and itching. Servex, because of its hygroscopic and bactericidal action, aids nature to correct these conditions. It stimulates the natural secretions which help to normalize the tissue. For years, physicians have treated such conditions over prolonged periods of time * * * Servex Powder acts as a healthful * * * stimulant. * * * Physicians tell us that many of their patients for whom they prescribe Servex Powder report * * * They say they have more vitality."

On July 18, 1935, 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.*

25037. Misbranding of Pyorrhex Chewing Gum. U. S. v. 192 Large Packages, et al., of Pyorrhex Chewing Gum. Default decree of condemnation and destruction. (F. & D. no. 35179. Sample no. 11899–B.)

This case involved a product the labeling of which contained unwarranted curative and therapeutic claims.

On March 4, 1935, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 192 large packages, 72 small packages, and 136 free samples of Pyorrhex Chewing Gum at Denver, Colo., consigned by the National Gum Co., Inc., Newark, N. J., alleging that the article had been shipped in interstate commerce on or about February 16, 1927, from Newark, N. J., into the State of Colorado, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of chicle containing a small proportion of magnesium oxide, coated with sugar, flavored, and colored.

The article was alleged to be misbranded in that certain statements appearing in the labeling falsely and fraudulently represented that it was effective as a treatment for soft, spongy, or bleeding gums, and effective to insure oral hygiene, clean teeth, and healthy gums; effective to sweeten the breath and aid digestion; effective as an antiseptic, antacid, and astringent treatment for pyorrhea, and as a scientific treatment for sore, bleeding, or receding gums; effective as a preventive of dental diseases, pyorrhea, dental decay, gingivitis, pyorrhea and dangerous mouth infection; and effective to tighten weak and bleeding gums, stimulate circulation in the gingival tissues, inhibit germ growth, and arrest the progress of pyorrhea.

On May 18, 1935, 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.*