Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article were false and fraudulent: (Front Label, on some of the packages) "Protects Health"; (back label, on all of the packages) "Its superior proteins (derived from dairy and vegetable sources), mineral salts and vitamins, fully protects health while reducing"; (circular, on all packages) "Protects Health * * * A safe low-calorie diet must also provide the full quota of vitamins, since they, with the minerals, are the food essentials which regulate and preserve health. The proteins found in Dietene are largely from dairy and vegetable sources—an important factor—since they are the alkaline-reaction type which guard against the dangerous acidosis so commonly resulting from improper, haphazard, or fad reducing diets. * * * Why So Much Emphasis on Normal Weight And Is There An Accepted Standard? Where there is overweight, far more than a slim and sparkling figure is at stake, important and advantageous as that is. Life Insurance Associations, after prolonged and well qualified research, declare with definite finality, that the people who live the longest, stay the youngest, get the most out of life, and look the best, are they who as a group, more or less closely maintain the weight which for them was normal at the age of thirty. * * * Authorities on metabolism tell us that fats cannot burn properly in the absence of the right amounts of starches and sugars. Without them a dangerous acidosis may result. The Dietene reducing program provides sufficient starches and sugars, by including a regular evening meal with servings of fruits, which contain natural sugars, and a variety of starches from the usual sources How Is Overweight Acquired? * * * In exceptional cases, over-weight results from functional disorders—health disturbances of some kind—such as gland irregularity, and all such cases, of course, demand medical attention and a reducing program approved by a trust-worthy physician, who will appreciate the opportunity of appraising the Dietene literature and the Dietene itself. If you are overweight, but otherwise enjoy good health, Dietene offers a simple, healthful, and especially practical way in which to reduce. * * * Dietene is particularly high in the protective * * * proteins."

On November 1, 1934, no claimant having appeared, judgment was entered finding the product misbranded and ordering that it be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24070. Misbranding of Saratoga Ointment. U. S. v. 2,791 Boxes of Saratoga Ointment. Decree of condemnation entered with provision for release under bond for relabeling. (F. & D. no. 33250. Sample no. 4304-B.)

This case involved a drug preparation which was misbranded because of unwarranted curative, therapeutic, and antiseptic claims appearing in the labeling.

On August 17, 1934, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2,791 boxes of Saratoga Ointment at Peoria, Ill., alleging that the article had been shipped in interstate commerce on or about July 7, 1934, by the G. F. Harvey Co., from Saratoga Springs, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of zinc oxide, boric acid, and a small proportion of eucalyptol, incorporated in petrolatum. Bacteriological examination showed that the article was devoid of antiseptic properties.

The article was alleged to be misbranded in that the following statement regarding its curative or therapeutic effects, appearing in the labeling, were false and fraudulent: (Tin box) "A Healing * * * Ointment"; (circular) "An ideal dressing of exceptional merit in the treatment of * * * Eczema, Hemorrhoids, * * * etc. Mothers have found this ointment safe and eminently satisfactory in baby rash and other skin ailments. The analgesic properties of Saratoga Ointment tend to afford quick and grateful relief from painful open lesions * * * there is also an astringent and detergent action that is of benefit in treating ulcers with a free discharge. * * * Applied immediately; quick clean healing begins and almost invariably no scar is left. * * * prevents infection and wards off scar. * * * valuable in * * * Abscesses, Bedsores, * * * aching * * * feet, Eczema, Rashes, Pimples, Hemorrhoids, * * * Nasal Catarrh, * * * inflamed nostrils * * * and Ulcers."

Misbranding was alleged for the further reason that the statement "The necessary antisepsis is provided," appearing in the circular, was false and misleading since the article would not provide antisepsis.

On November 2, 1934, the G. F. Harvey Co. having appeared as claimant, judgment of condemnation was entered and it was ordered that the product might be released provided the claimant filed a bond within 10 days, conditioned that it be properly relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

24071. Misbranding of Red Raven Splits. U. S. v. 306 Bottles of Red Raven Splits. Consent decree of condemnation and destruction. (F. & D. no. 33252. Sample no. 74433–A.)

This case involved a drug preparation which was misbranded because of unwarranted curative and therapeutic claims in the labeling.

On August 14, 1934, 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 306 bottles of Red Raven Splits at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about January 18, 1934, by the Red Raven Corporation, from Red Raven, Pa., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of an artificially carbonated solution of sodium phosphate.

The article was alleged to be misbranded in that the following statements on the bottle label: "For chronic constipation, sluggish liver, headache and biliousness, laxative in early stages of influenza", were statements regarding the curative or therapeutic effects of the article and were false and fraudulent.

On January 2, 1935, the Red Raven Corporation, the sole intervenor, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

24072. Adulteration and misbranding of Pyrol. U. S. v. 102 Dozen Tubes of Pyrol. Default decree of condemnation and destruction. (F. & D. no. 33276. Sample nos. 843–B, 845–B.)

This case involved interstate shipments of Pyrol, the labeling of which contained unwarranted curative, therapeutic, and antiseptic claims.

On August 20, 1934, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 102 dozen tubes of Pyrol at Seattle, Wash., alleging that the article had been shipped in interstate commerce in various shipments on or about July 29, 1933, March 13, April 11, and May 11, 1934, by the Kip Corporation, Ltd., from Los Angeles, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of petroleum and zinc oxide with small amounts of phenol, salicylic acid, and essential oils including methyl salicylate. Bacteriological examination showed that it was not antiseptic.

The article was alleged to be adulterated in that its strength fell below the professed standard of quality under which it was sold, namely, "Antiseptic."

Misbranding was alleged for the reason that the following statements in the labeling were false and misleading: (Carton and tubes) "Pyrol is Composed of * * * Antiseptic * * * Oils"; (circulars) "Pyrol is * * * Antiseptic * * * Pyrol Contains * * * Antiseptic Oils." Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing in the labeling, were false and fraudulent: (Some tubes) "Heals severest burns without scar * * * eruptions are relieved and respond to Pyrol"; (some cartons) "Heals severest burns without scar * * * eruptions are relieved and respond to Pyrol"; (other tubes and cartons) "Boils Piles Ulcers * * * heals severest burns without scar * * * eruptions are relieved and respond to Pyrol"; (all circulars) "It prevents infection. No need to be incapacitated by burns or scalds. Pyrol * * * hastens healing—and almost invariably prevents scars. Eczema * * * Even in severe cases several applications will make the skin clear and free from this disease. Sore Feet * * * Sores * * * Pimples, boils * * * respond immediately to Pyrol treatment. After steril-