

**18225. Misbranding of Dr. A. Peters' Tuberosum pyorrhea treatment. U. S. v. 28 Bottles of Dr. Peters' Tuberosum Pyorrhea Treatment. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25747. I. S. Nos. 8466, 8470. S. No. 3980.)**

Examination of a drug product, known as Dr. A. Peters' Tuberosum pyorrhea treatment, from the shipments herein described having shown that the carton and bottle labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Texas.

On January 16, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 28 bottles of Dr. Peters' Tuberosum pyorrhea treatment at Houston, Tex., alleging that the article had been shipped by the Tuberosum Pyorrhea Co., from Broken Bow, Okla., into the State of Texas, in part on or about October 29, 1930, and in part on or about November 17, 1930, that it was labeled in part, "Pyorrhea. This Preparation is a Preventive and Remedy \* \* \* Pyorrhea Treatment for Sore, Bleeding Gums and Loose Teeth," and charging misbranding in violation of the food and drugs act.

Analysis of a sample of the article by this department showed that it consisted essentially of acetic acid, salicylic acid, a small proportion of phenol, starch, and water, flavored with cinnamon oil and coumarin.

It was alleged in the libel that the article was misbranded, which misbranding was false and misleading. This department recommended that the charge be brought that the article was misbranded in that the following statements on the labeling, regarding the curative or therapeutic effects of the said article, were false and fraudulent: (Bottle) "Pyorrhea. This preparation is a Preventive and Remedy \* \* \* Pyorrhea Treatment for Sore Bleeding Gums and Loose Teeth;" (carton) "Pyorrhea Treatment. This Preparation is a Preventive and Treatment;" (circular) "I suffered from Pyorrhea for thirteen years, \* \* \* told me to get a bottle of Tuberosum Pyorrhea Treatment \* \* \* Within three and one half months I was apparently well and felt like a new man. \* \* \* I think it is a fine treatment for Pyorrhea \* \* \* my face \. swollen, my gums had turned black. \* \* \* I got a bottle of your Pyorrhea Treatment and my gums began to get better from the very first application, and before I had used one bottle my gums were well, and my teeth were tight. I think your medicine is the greatest cure for Pyorrhea that I ever saw. I shall always keep it."

On March 14, 1931, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*