The article was alleged to be adulterated in that its purity fell below the professed standard or quality under which it was sold, namely, (carton) "A Highest * * * Cotton for * * * Sanitary or First Aid * * * Hospital Laboratory Tested Absorbent Cotton," since it was nonsterile absorbent cotton.

It was alleged to be misbranded in that the following statements, borne on the carton, were false and misleading as applied to nonsterile absorbent cotton: "Hospital Laboratory Tested Absorbent Cotton * * * A High Test * * * Cotton * * * for * * * Sanitary or First Aid. This hospital quality absorbent cotton is processed under rigid and exacting laboratory methods to attain purity. * * * Its complete wholesomeness recommends it for all delicate nursery requirements, for sanitary needs or for first aid uses." It was alleged to be misbranded further in that the words "Acme Cotton Products," constituting a portion of the firm name, Acme Cotton Products Co. Inc., borne on the carton, were false and misleading as applied to cotton not of the highest purity but which was contaminated with viable microorganisms.

On November 10, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28337. Adulteration of solution citrate of magnesia. U. S. v. I. L. Lyons & Co. Ltd. Plea of guilty. Fine, $50. (F. & D. No. 39477. Sample No. 13879–C.)

This product was sold under a name recognized in the United States Pharmacopoeia and differed from the standard prescribed therein.

On May 17, 1937, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against I. L. Lyons Co. Ltd., a corporation, New Orleans, La., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 31, 1936, from the State of Louisiana into the State of Mississippi of a quantity of solution citrate of magnesia which was adulterated.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia, in that each 100 cubic centimeters contained an amount of magnesium citrate corresponding to less than 1.6 grams, namely, not more than 1.11 grams of magnesium oxide; whereas the pharmacopoeia provides that solution of magnesium citrate shall contain in each 100 cubic centimeters an amount of magnesium citrate corresponding to not less than 1.6 grams of magnesium oxide; and the standard of strength, quality, and purity of the article was not declared on the container thereof.

On December 9, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $50.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28338. Misbranding of Pinolator Treatment. U. S. v. 47 Packages of Pinolator Treatment (and two other seizures of the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 40917, 41001. Sample Nos. 47892–C, 56721–C.)

This treatment consisted of a vaporizing apparatus and a bottle of liquid labeled "Pinolator Aromatic." The labeling of the product bore false and fraudulent curative and therapeutic claims.

On November 26 and December 6, 1937, the United States attorneys for the District of Massachusetts and the Eastern District of New York, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 47 packages of Pinolator Treatment at Boston, Mass., and 35 packages of the product at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce between the dates of October 8 and November 20, 1937, in part by the Pinolator Co. from Minneapolis, Minn., into the States of Massachusetts and New York, and in part by Abraham & Straus, Inc., from New York, N. Y., into the State of Massachusetts, and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis showed that the liquid consisted essentially of small proportions of thymol, benzoic acid, and volatile oils, including pine-needle oil, peppermint oil, and camphor, and acetone, colored with a green dye.

The article was alleged to be misbranded in that its labeling bore false and fraudulent representations regarding its effectiveness in the treatment of sinusitis, hay fever, asthma, croup, bronchial infections, pneumonia, tonsillitis, bronchitis, and laryngitis. Portions of the article were alleged to be misbranded further in that the circular contained a diagram representing the anatomy of the upper respiratory passages and the sinuses connected therewith which was false and fraudulent since it created the impression that the article when used as directed, would be effective in treating diseased conditions of those parts of the anatomy represented in the diagram; whereas it would not.

On January 18 and January 24, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28339. Misbranding of Formula 281. U. S. v. Harry Gorov (Isabella Laboratories). Plea of nolo contendere. Fine, $50. (F. & D. Nos. 39730, 39822. Sample Nos. 12804-C, 14459-C, 33781-C, 41238-C.)

The labeling of this preparation bore false and fraudulent representations regarding its curative or therapeutic effects and false and misleading representations that it was a safe and appropriate remedy for the reduction of fat; whereas it contained dinitrocresol, a drug which is potentially dangerous.

On July 8, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Harry Gorov, trading as Isabella Laboratories, Chicago, Ill. On November 24, 1937, a second information was filed against the same defendant in the said judicial district. The informations alleged shipment by the defendant in violation of the Food and Drugs Act as amended, on or about October 7, 1936, and June 1, 11, and 28, 1937, from the State of Illinois into the States of Ohio, Utah, Michigan, and Wisconsin of quantities of Formula 281 which was misbranded. The article was labeled in part: "Improved Formula 281 * * * Isabella Laboratories * * * Chicago, Ill."

Analyses showed that the article consisted of tablets containing dinitrocresol and phenolphthalein, the samples examined containing from 0.32 grain to 0.46 grain of the former and 0.25 grain to 0.29 grain of the latter per tablet.

The article was alleged to be misbranded in that the bottle label bore the statements (1) "Scientifically Correct Fat Reducing Preparation," (2) "Dosage—1 to 3 Tablets Daily"; that there was attached to the bottle a leaflet bearing the statements (3) "Directions—For the first 3 days, take 1 tablet with a glass of water, after breakfast only; the next four days, take 1 tablet after breakfast and 1 after lunch; after that, take 1 tablet after each meal, 3 a day, *no more*," (4) "we * * * have had proven beyond any question of doubt that this preparation does not affect the heart or other vital organs"; that the statement (1) represented that the article was a medicinally correct fat-reducing preparation in the sense of being in accordance with scientific standards, whereas it was not a medicinally correct preparation in such sense; in that the statements (2 and 3) implied that use of the article as directed was approved and recommended by scientific authority, i. e., those having scientific knowledge of the effects of drugs on the human body and that it was a medicinal agent capable of reducing fat without potential harm, whereas the use of the article had not been approved by such authority, and the statement (4) representing that it had been proven that the use of the article as directed for reducing fat would not affect the heart or other vital organs, whereas the article contained as its active ingredient dinitrocresol, a drug potentially dangerous to the heart and other vital organs; and that the said statements were false and misleading

The article was alleged to be misbranded further in that the statements borne on the labeling, (bottle) "Fat Reducing Preparation," (attached to bottle) "Have lost 77 lbs. Cannot praise them enough." "Have lost 75 lbs.," "Have lost 18 lbs. Never felt better in my life," "The three of us are well pleased with the results. We feel much better and it has shown absolutely no ill effects," "I have lost 27 lbs. in two months," "I used two bottles and lost 15 lbs.," "Have lost 10 lbs. and do not feel any discomfort from taking it," "Having wonderful results from your preparation. Walking more and feeling better than I have for a good many years," "Now literally burning the fat away. Glad I persevered.