

the State of Indiana into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that the tablets consisted essentially of acetphenetidin (0.92 grain per tablet), acetylsalicylic acid (1.92 grains per tablet), a small amount of caffeine, a trace of aconite alkaloids, and extracts of laxative plant drugs.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article, (small carton) "For Grippe \* \* \* Laxa-Pirin \* \* \* designed to relieve \* \* \* all \* \* \* aches and pains, and the feverish condition. Cough \* \* \* accompanying Grippe \* \* \*. The second or third dose should give ease by lessening abnormal nervous tension \* \* \*. For \* \* \* LaGrippe. Adults, two tablets every two hours until three or four doses have been taken; then one or two tablets every four or five hours until relieved. \* \* \* For \* \* \* Grippe,"<sup>1</sup> (display carton) "For \* \* \* Grippe \* \* \* Neuralgia, Lumbago, and General Pains," (wholesale carton) "For \* \* \* LaGrippe \* \* \* and all General Aches and Pains," (circular) "For Relief of \* \* \* Pain, Fever \* \* \* to \* \* \* overcome \* \* \* grippe, and relieve all general aches and pains, such as neuralgia \* \* \*. Relieves Pain. Many painful ailments, such as sinus or catarrhal pains and chronic headaches, are due to infection, toxic absorption, and other serious causes which may require special treatment. We do not claim that Laxa-Pirin overcomes infection or corrects diseased conditions which may be the real cause of the pain. But we do recommend Laxa-Pirin for relieving the pain itself. Take, for instance, neuralgia, lumbago, or muscular rheumatism due to exposure \* \* \* Laxa-Pirin gives blessed relief from this pain, and allows you to live in comfort \* \* \*. For \* \* \* menstrual pains and the general aches and pains of life \* \* \* Laxa-Pirin should always be \* \* \* ready for use. It tends to relax nerve tension and strain and relieves pain \* \* \*. There's no telling when you may \* \* \* have a \* \* \* touch of neuralgia \* \* \*. Grippe \* \* \* Take 1 to 2 tablets every 4 hours until relieved \* \* \*. Neuralgia \* \* \* Lumbago, General Aches and Pains: \* \* \* For more serious, persistent pains, such as neuralgia, take 2 tablets every hour until 3 doses have been taken, or until relief appears \* \* \*," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof and create in the minds of such purchasers the impression and belief that the article was in whole or in part composed of or contained ingredients or medicinal agents effective in the diseases and conditions named therein.

On April 9, 1929, 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.*

**16255. Misbranding of Rising Mist salve. U. S. v. 14½ Dozen Packages of Rising Mist Salve. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23494. I. S. No. 07907. S. No. 1716.)**

On March 6, 1929, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 14½ dozen packages of Rising Mist salve, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Wynn's Rising Mist Co., Elmira, N. Y., alleging that the article had been shipped from Elmira, N. Y., on or about January 21, 1929, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of petrolatum, containing small amounts of menthol, camphor, methyl salicylate, and oil of eucalyptus.

<sup>1</sup>This wording is not accurate. The following is the actual wording on the labeling of the package involved in the action: "For \* \* \* Grippe \* \* \* Neuralgia, and General Pains \* \* \*. Grippe:—Adults, 2 tablets with full glass water every 2 hours until 4 doses are taken \* \* \* then 1 or 2 tablets every 4 hours until relieved \* \* \*. Neuralgia, Lumbago, General Pains \* \* \*. For \* \* \* Grippe \* \* \* Neuralgia, Lumbago, Pains."

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative and therapeutic effects of the said article (jar label) "Pain \* \* \* Croup, Sore Throat, Grip, Catarrh, Pneumonia \* \* \* For \* \* \* Pains Croup \* \* \* pneumonia \* \* \* Coughing, sore muscles \* \* \* Neuralgia, eczema, itching piles, boils, Rheumatic Pains, stiff joints, lame back \* \* \* For Coughs or Sore Throat \* \* \* For \* \* \* Pain," (carton) "For Pain \* \* \* For Croup (Spasmodic) \* \* \* Pneumonia, Catarrh, Tonsilitis, Bronchitis, Sore Throat, Whooping Cough, Asthma \* \* \* Neuralgia, Eczema, Itching Humors, Itching Piles, Boils, Rheumatic Pains," (circular) "For Croup (Spasmodic) \* \* \* Pneumonia, Catarrh, Tonsilitis, Bronchitis, Whooping Cough, Asthma, Sore Throat \* \* \* Neuralgia, Eczema, Itching Humors, Boils, Rheumatic Pains \* \* \* For \* \* \* Pain \* \* \* Rising Mist \* \* \* is the \* \* \* way to treat all diseases of the respiratory organs \* \* \*. If throat is sore, a small piece of Rising Mist dissolved in mouth, swallowed slowly will give relief \* \* \* some penetrate, carrying the medication direct to the innermost affected parts, thus aiding the Mist in scattering the congestion. \* \* \* Coughing, Sore Throat, Itching Piles, Boils, Stiff Joints, Lame Back, Sore Feet \* \* \* Penetration for Pains \* \* \* for stiff joints, lameness, lumbago, sore muscles, etc., Rising Mist \* \* \*. During convalescence there is much pus to be gotten rid of and a free application of Rising Mist will help this process, which should \* \* \* be \* \* \* helped by the use of Rising Mist. Coughs \* \* \* Croup Spasmodic \* \* \* Catarrh Rising Mist has helped \* \* \* cases of Catarrh. The essential oils in this salve promotes healing and softens the mucous membrane and hard sores. \* \* \* Asthma \* \* \* great relief may be had \* \* \* by rubbing Rising Mist on back from neck to hips and over chest and throat \* \* \* Bronchitis \* \* \* Rising Mist used for Muscles and Tissues and Skin Troubles \* \* \* valuable in reducing inflammations and congestions. Rheumatism \* \* \* Or Any Kind Of Body Pains \* \* \* For Pain Greatest Relief For Any Kind Of Pain \* \* \* Earache \* \* \* Neuralgia \* \* \* Piles \* \* \* Whooping Cough \* \* \* Neuritis \* \* \* Stiff Neck \* \* \* For Pain For Treatment Of Pain \* \* \* Its action is longer, more penetrating, and effective. For Lame Back \* \* \* Stiff Joints \* \* \* Rheumatism \* \* \* Boils \* \* \* Sore Throat, Tonsilitis \* \* \* La Grippe \* \* \* Sore Feet. For Sore \* \* \* massage feet with Rising Mist \* \* \* Distemper \* \* \* Roup in Fowls \* \* \* Pneumonia in Horses \* \* \* Pneumonia \* \* \* cover the chest \* \* \* all the affected parts with a thick layer of Rising Mist \* \* \* Repeat Application \* \* \* until fever is reduced," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed, and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof and create in the minds of such purchasers the impression and belief that the article was in whole or in part composed of or contained ingredients or medicinal agents effective in the diseases and conditions named therein.

On April 11, 1929, 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.*

**16256. Misbranding of Borine. U. S. v. 25/6 Dozen Medium-Sized Bottles, et al., of Borine. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 21982, 21983, 21984. S. Nos. 13, 19, 20.)**

On July 27, 1927, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 13<sup>5</sup>/<sub>6</sub> dozen bottles, small size, 5<sup>1</sup>/<sub>2</sub> dozen bottles, medium size, 1<sup>1</sup>/<sub>2</sub> dozen bottles, large size, and <sup>1</sup>/<sub>4</sub> dozen bottles, magnum size, of Borine at Newark, N. J., alleging that the article had been shipped by the Borine Manufacturing Co., New York, N. Y., in various consignments, on or about February 28, April 28, and June 17, 1927, respectively, and had been transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of boric acid (2.0 per cent), a small amount of glycerin, alcohol (20.4 per cent), and water flavored with essential oils. Bacteriological examination showed that the article was not antiseptic.