

4364. Misbranding of "Hamlin's Wizard Oil." U. S. * * * v. Hamlin's Wizard Oil Co., a corporation. Plea of guilty. Fine, \$200 and costs. (F. & D. No. 5959. I. S. No. 7927-e.)

On June 11, 1915, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Hamlin's Wizard Oil Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about February 3, 1913, from the State of Illinois into the State of Ohio, of a quantity of Hamlin's Wizard Oil," which was misbranded. The article was labeled, in part: "Hamlin's Wizard Oil Contains 55% Alcohol Guaranteed by Hamlins Wizard Oil Company, under the Food and Drugs Act, June 30, 1906, No. 2035 * * *." Each package of the article contained a paper pamphlet or booklet entitled: "Directions For the Use of Hamlins Wizard Oil," which contained the following statements: "Cancer.—Hamlins Wizard Oil will check the growth and permanently cure a Cancer if treatment is begun in the early stages of its development and faithfully continued for a long enough period of time. We have knowledge of a number of permanent cures of Cancer by the use of Hamlins Wizard Oil. We have a testimonial sworn to before a Notary Public. The same party wrote several years later stating that the cure was permanent. Another case was a miner who used Wizard Oil for temporary relief until he could spare the time for an operation. Wizard Oil not only gave temporary relief but cured the Cancer;" "Hydrophobia.—Can be positively prevented by promptly washing out the bite with Hamlins Wizard Oil. (See Bites)," "Pneumonia.—Can be positively prevented by prompt treatment the same as for Cold on Lungs. If neglected until developed, pneumonia requires the immediate attention of a physician," "Tumor.—A tumor, although not as dangerous, and more easily cured than a cancer, should be removed by a surgeon. Relief can be obtained and a cure effected by using Wizard Oil the same as for cancer, if treatment is begun before tumor has had time to develop."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)-----	55
Essential oils, probably camphor oil (per cent by volume)-----	40
Ammonia and unidentified alkaloidal material: Present.	

Misbranding of the article was alleged in the information for the reason that the package containing it bore and contained in a paper booklet or pamphlet, enclosed with and accompanying the same, the following statements, to wit, "Hamlins Wizard Oil will check the growth and permanently cure a Cancer if treatment is begun in the early stages of its development and faithfully continued for a long enough period of time," "Hydrophobia.—Can be positively prevented by promptly washing out the bite with Hamlins Wizard Oil," "Pneumonia.—Can be positively prevented by prompt treatment the same as for Cold on Lungs," "Tumor.— * * * Relief can be obtained and a cure effected by using Wizard Oil the same as for cancer, if treatment is begun before tumor has had time to develop," which said statements were false and fraudulent in that they 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 the purchasers thereof the impression and belief, that the article was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective to

check the growth and permanently cure cancer, to prevent hydrophobia and pneumonia, and to cure tumor, when used according to the directions contained in said paper booklet or pamphlet, whereas, in truth and in fact, it was not, in whole or in part, composed of, and did not contain, such ingredients or medicinal agents.

On January 28, 1916, the defendant company entered a plea of guilty to the information, and on February 7, 1916, the court imposed a fine of \$200 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*