

**4839. Alleged misbranding of Raymond's Pectoral Plaster. U. S. v. George T. Raymond, trading as Raymond & Co. Tried to the court and jury. Verdict of acquittal. (F. & D. No. 6136. I. S. No. 4509-e.)**

On March 10, 1915, 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 an information against George T. Raymond, trading as Raymond & Co., Plainfield, N. J., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about January 11, 1913, from the State of New Jersey into the State of Missouri, of a quantity of Raymond's Pectoral Plaster which was charged to have been misbranded. The article was labeled: (On box) "Raymond's Pectoral Plaster Sure Cure for Coughs Especially Whooping Cough." (On bottom of box) "No. 1243 Guaranteed under the Food and Drugs Act, June 30, 1906." (On two sides) "Raymond's Pectoral Plaster." (On other two sides) "Two Dozen Pectoral Plasters." The circular or pamphlet accompanying the article contained, among other things, the following: "Raymond's Pectoral Plaster Cures Whooping Cough, Croup, Coughs, Hoarseness, Bronchitis and Spasmodic Asthma. It also cures pains such as Sciatica, Lumbago, Neuralgia, Rheumatic Pains, etc., in a wonderfully short time, often in 15 or 20 minutes." "For Whooping Cough and any throat or lung diseases, apply to the upper part of the chest or between the shoulders, or in both places in a severe case. If the patient is not cured in a week, remove the plaster, wash as before and apply another in its place. Repeat the treatment until cured."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product was a lead plaster prepared from a soap or soap base, made up mostly of cottonseed stearine with an admixture of rosin.

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, "Raymond's Pectoral Plaster Sure Cure for \* \* \* Whooping Cough," and included in the circular or pamphlet aforesaid, to wit, "Raymond's Pectoral Plaster Cures Whooping Cough, Croup, \* \* \* Bronchitis \* \* \*," "It also cures pains such as Sciatica \* \* \*," "For Whooping Cough and any throat or lung diseases \* \* \* If the patient is not cured in a week, remove the plaster, wash as before and apply another in its place. Repeat the treatment until cured," were false and fraudulent in that the same 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 purchasers thereof the impression and belief, that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, as a sure cure for whooping cough, and as a cure for croup, bronchitis, sciatica, and any throat or lung diseases, when, 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 February 19, 1916, the case having come on for trial before the court and a jury, after the submission of evidence and arguments by counsel, the case was given to the jury, which, after due deliberation, returned a verdict of not guilty.

CARL VROOMAN,  
*Acting Secretary of Agriculture.*