

S705. Misbranding of Gray's Ointment. U. S. * * * v. 10 Dozen and 36 Dozen Boxes of Gray's Ointment. Product ordered released on bond. (F. & D. Nos. 11276, 11277. I. S. Nos. 8424-r, 8425-r. S. Nos. C-1476, C-1477.)

On or about September 23, 1919, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 10 dozen and 36 dozen boxes of Gray's Ointment, at Little Rock, Ark., alleging that the article had been shipped on or about August 25, and August 28, 1919, by W. F. Gray & Co., Nashville, Tenn., and transported from the State of Tennessee into the State of Arkansas, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of a lead soap, linseed oil, beeswax, lead acetate, and a trace of turpentine.

It was alleged in substance in the libels that the article was misbranded for the reason that the following statements, regarding the curative and therapeutic effects thereof, to wit, "For Burns, Scalds, Rheumatism, Tic-D'oloreux * * * Poisonous Plants; Broken Breasts, Sore Nipples and Carbuncles * * * Fistula, * * * Injured Spine, Swelling of all kinds * * * Sore Throat * * *," (circular) "For the relief of * * * Ulcers of long or short duration * * * Scrofulous and other Tumors, including White Swellings * * * Old or Fresh Wounds, Gunshot Wounds * * * Swelling and Inflammations of all kinds; Rheumatic and other Pains * * * Scald Head, Tetter on the head or any other part of the body * * * carbuncles, Cancerous Affections, Gangrene, Eruptions of all kinds * * * Dog, Snake, Spider, and other Poisonous Bites; Broken Breasts, Sore Nipples * * * Injured Spine; Sore Eyes, Swelling of all kinds * * * Sore Throat * * * Pleurisy and Pneumonia * * * Splint, Wind Galls, Fistula * * * in early stages of Inflammatory Rheumatism and Soreness about the Breast * * * this Ointment stands unrivaled * * * in the course of two or three hours the system is thrown into a gentle perspiration, and all pain or soreness is rapidly removed," were false, fraudulent, and misleading inasmuch as said drug contained no ingredients or combination of ingredients capable of producing the effects claimed.

On March 29, 1920, the matter having come on for final disposition, the cases having been consolidated, it appearing to the court from a stipulation of the parties that the goods bore certain brands or printed matter in violation of law, and that the packages were unlawfully transported in interstate commerce, and it further appearing to the court that the said W. F. Gray & Co., owner of the goods, had prepared an amended circular and advertising matter to be used in lieu of the circular and advertising matter complained of in the proceeding, and it further appearing that the parties had agreed that the packages might be delivered to the said W. F. Gray & Co. for the purpose of removing from said packages and destroying the brands and advertising matter complained of, and said W. F. Gray & Co., having filed its bond in the sum of \$100, in conformity with section 10 of the act, it was ordered by the court that the product be delivered to the said W. F. Gray & Co., and that said claimant pay all the costs of the proceedings.

E. D. BALL, *Acting Secretary of Agriculture.*