

unable to produce certain curative and therapeutic effects claimed in the labeling, the Secretary of Agriculture reported the facts to the United States attorney for the District of Porto Rico.

On or about June 13, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 24 dozen jars of Musterole at San Juan, P. R., alleging that the article had been shipped by Gabriel J. Fajardo, New York, N. Y., on or about April 26, 1930, to Porto Rico, and that it was being offered for sale and sold in Porto Rico by Serra, Garabis & Co., of San Juan, P. R., 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 was an ointment consisting of a petrolatum base, containing camphor and mustard oil.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton and jar labels and in the accompanying circular, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Try Musterole for (it may prevent pneumonia), congestion, croup and common throat affections, rheumatic and neuralgic pains, headache, stiff neck, sore joints and muscles, lumbago, chilblains;" (jar, translated from Spanish) "Rub Musterole over the painful part. In serious cases * * * Musterole for catarrhs and colds in the chest (when used in time it prevents pneumonia), bronchitis, grippe, rheumatism, pains in the head, muscles and joints, neuralgia;" (circular, English and Spanish) "Try Musterole for colds in chest (it may prevent pneumonia), congestion, croup and common throat affections, rheumatic and neuralgic pains, headache, stiff neck, sore joints and muscles, lumbago, chilblains."

On July 8, 1930, Albert E. Lee & Son, San Juan, P. R., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it should not be sold or otherwise disposed of until relabeled so that it comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17615. Misbranding of Musterole. U. S. v. 4 Dozen Jars of Musterole. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24837. I. S. No. 024545. S. No. 3150.)

An examination of samples of a drug product known as Musterole from the herein described interstate shipment having shown that the article was unable to produce certain curative and therapeutic effects claimed in the labeling, the Secretary of Agriculture reported the facts to the United States attorney for the District of Porto Rico.

On or about June 13, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 4 dozen jars of Musterole at San Juan, P. R., alleging that the article had been shipped by Yglesias & Co. (Inc.), New York, N. Y., on or about April 5, 1930, to Porto Rico, and that it was being offered for sale and sold in Porto Rico by the Drug Co. of Porto Rico (Inc.), San Juan, P. R., 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 was an ointment consisting of a petrolatum base, containing camphor and mustard oil.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton and jar labels and in the accompanying circular, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Jar) "Rub Musterole over the painful part. In serious cases * * * Musterole for catarrhs and colds in the chest (when used on time it prevents pneumonia) bronchitis, grippe, rheumatism, pains in the head, muscles and joints, neuralgia;" (carton) "Try Musterole for (it may prevent pneumonia) congestion, croup and common throat affections, rheumatic and neuralgic pains, headaches, stiff neck, sore joints and muscles, lumbago, chilblains;" (circular, Spanish and English) "Try Musterole for colds in chest (it may prevent pneumonia) congestion,

croup and common throat affections, rheumatic and neuralgic pains, headache, stiff neck, sore joints and muscles, lumbago, chilblains."

On July 8, 1930, Albert E. Lee & Son, San Juan, P. R., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it should not be sold or otherwise disposed of until relabeled so that it comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17616. Misbranding of Musterole. U. S. v. 24 Dozen Jars of Musterole. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24838. I. S. No. 024546. S. No. 3151.)

Examination of samples of a drug product known as Musterole from the herein described interstate shipment having shown that the article was incapable of producing certain curative and therapeutic effects claimed in the labeling, the Secretary of Agriculture reported the facts to the United States attorney for the District of Porto Rico.

On or about June 13, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 24 dozen jars of Musterole at San Juan, P. R., alleging that the article had been shipped by Charles L. Huisking & Co. (Inc.), New York, N. Y., to Porto Rico, on or about May 3, 1930, that it was being sold and offered for sale in Porto Rico, by J. M. Blanco (Inc.), of San Juan, P. R., and that it was misbranded in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it was an ointment consisting of a petrolatum base, containing camphor and mustard oil.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton and jar labels and in the accompanying circular, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Jar) "Rub Musterole over the painful part. In serious cases * * * Musterole for catarrhs and colds in the chest (when used in time it prevents pneumonia) bronchitis, grippe, rheumatism, pains in the head, muscles and joints, neuralgia;" (carton) "Try Musterole for (it may prevent pneumonia) congestion, croup and common throat affections, rheumatic and neuralgic pains, headaches, stiff neck, sore joints and muscles, lumbago, chilblains;" (circular, Spanish and English) "Try Musterole for colds in chest (it may prevent pneumonia) congestion, croup and common throat affections, rheumatic and neuralgic pains, headache, stiff neck, sore joints and muscles, lumbago, chilblains."

On July 8, 1930, Albert E. Lee & Son, San Juan, P. R., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it should not be sold or otherwise disposed of until relabeled so that it comply with the law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17617. Misbranding of Nau's Dyspeptic Relief. U. S. v. 81 Packages, et al., of Nau's Dyspeptic Relief. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 23897, 25084. I. S. Nos. 06380, 201. S. Nos. 2086, 3363.)

Examination of samples of a drug product known as Nau's Dyspeptic Relief, having shown that the labels bore certain curative and therapeutic claims that were not justified by the composition of the article, the Secretary of Agriculture reported to the United States attorney for the Northern District of California the herein described interstate shipments of quantities of the product located at San Francisco, Calif.

On July 23, 1929, and August 28, 1930, respectively, the United States attorney filed in the United States District Court libels praying seizure and condemnation of 115 packages of the said Nau's Dyspeptic Relief, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Frank Nau, from Portland, Oreg., in part on