

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

October 17, 1928, and in part on or about July 22, 1930, and had been transported from the State of Oregon into the State of California, and charging misbranding in violation of the food and drugs act as amended. The article was contained in cartons, each inclosing a bottle of a liquid and a small carton containing a few tablets.

Examination of a sample of the article by this department showed that it consisted of two preparations, one a liquid and the other tablets; the liquid consisted essentially of extracts of plant drugs including berberis and glycyrrhiza, glycerin, alcohol, and water; the tablets contained bismuth subnitrate, sugars, a trace of ginger, and peppermint oil.

It was alleged in the libels that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, borne on the label of the bottle containing the liquid, the carton containing the tablets, and the carton containing both, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Outside carton) "Dyspeptic Relief * * * For Relief in Stomach Troubles. * * * Intended for the relief of Dyspepsia, Indigestion, * * * Waterbrash, Dilatation, and Catarrh of the Stomach. * * * Stomach Disorders * * * Distress after Eating, Returning of Food into Mouth. Gnawing at pit of Stomach, Coated Tongue, Headache, Dizziness;" (bottle label) "Dyspeptic Relief * * * For Stomach Troubles. * * * Intended for the Relief of Dyspepsia, Indigestion, Waterbrash, Dilatation, and Catarrh of the Stomach;" (carton containing tablets) "Dyspeptic Relief Tablets. To Be Taken in Conjunction with the Liquid Medicine to Assist in Relief of Stomach Troubles, Dyspepsia, Indigestion, * * * Dilatation, and Catarrh of the Stomach * * * Remedy."

On August 12, 1930, and November 20, 1930, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

1761S. Adulteration and misbranding of compound syrup of white pine and tar mentholated. U. S. v. 33 Bottles of Compound Syrup of White Pine and Tar Mentholated. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24723. I. S. No. 027353. S. No. 3067.)

Examination of samples of a drug product known as Compound Syrup of White Pine and Tar Mentholated having shown that the labeling bore curative and therapeutic claims not justified by its composition and that it did not conform to the National Formulary, the Secretary of Agriculture reported the facts to the United States attorney for the District of Massachusetts.

On April 16, 1930, the said United States attorney filed in the District Court of the United States aforesaid a libel praying seizure and condemnation of 33 bottles of compound syrup of white pine and tar mentholated, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Hoyt Bros. (Inc.), from Newark, N. J., on or about March 6, 1930, and had been transported from the State of New Jersey into the State of Massachusetts, and charging adulteration and 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 tar, menthol, extracts of plant drugs including wild cherry, sugar, chloroform, alcohol, and water.

It was alleged in the libel that the article was adulterated in that its name indicated that it was a compound sirup of white pine with the addition of tar and menthol, whereas it differed in strength, quality, and purity from compound sirup of white pine as described in the National Formulary, with the addition of tar and menthol.

Misbranding was alleged for the reason that the following statements regarding the curative or therapeutic effects of the article, borne on the bottle and carton labels, were false and fraudulent, since the said article contained no ingredients or combination of ingredients capable of producing the effects claimed: (Bottle label) "Efficient Relief for Coughs * * * For relief of Coughs * * * Bronchitis * * * and various pulmonary disorders;" (carton) "An Effective Relief for Coughs * * * and All Bronchial Affections * * * This preparation is highly recommended as a strengthener and tonic in various disorders of the lungs and throat. It is intended to relieve the cough * * * A simple and efficient remedy for Coughs, * * * and