

1931, and had been transported from the State of Michigan into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Fluid Extract Ergot. U. S. P. X."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength as determined by the test laid down in the said pharmacopoeia, and its own standard of strength was not stated on the container.

Misbranding was alleged for the reason that the statement on the label, "Fluid Extract Ergot U. S. P. X.," was false and misleading.

On June 6, 1931, the Upjohn Co., Kalamazoo, Mich., having appeared as claimant for the property and having admitted the allegations of the libel, judgment was entered by consent of the claimant, condemning and forfeiting the product to the United States. The decree provided that the product be delivered to the claimant upon payment of costs and the execution of a bond in the sum of \$100, conditioned in part that it be made to conform to the Federal food and drugs act, under the supervision of this department, and that it should not be sold or disposed of contrary to the provisions of the law. The claimant, however, elected to destroy the product, which was done in the presence of a representative of this department on July 17, 1931.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18660. Misbranding of Dr. Ward's Liniment. U. S. v. 10 Dozen Small-Sized Bottles, et al., of Dr. Ward's Liniment. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25514, 25515. I. S. Nos. 625, 692. S. Nos. 3766, 3767.)

Examination of a sample of Dr. Ward's liniment from the shipments herein described having shown that the carton and bottle labels bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of California.

On December 23 and December 26, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 174 small-sized bottles, 36 medium-sized bottles, and 4 large-sized bottles of Dr. Ward's liniment, remaining in the original unbroken packages at Los Angeles, Calif., consigned by Dr. Ward's Medical Co., from Winona, Minn., alleging that the article had been shipped from Winona, Minn., in part on or about August 18, 1930, and in part on or about September 17, 1930, and had been transported from the State of Minnesota into the State of California, 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 consisted essentially of extracts of plant drugs including capsicum and sassafras, small proportions of volatile oils including camphor, soap, alcohol, and water, colored red.

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 articles, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label, all sizes, and carton, 2-ounce size) "For internal Use in Cases of Cholera Morbus, Diarrhoea, Dysentery, Ordinary Colic, Chills and Ague, Ordinary Sore Throat, * * * etc. For External Use in Cases of * * * Swellings, Chillblains, * * * Muscular Rheumatism, Etc.;" (bottle label, 4-ounce and 12-ounce sizes, and carton, 2-ounce size) "Sweeny and Colic;" (carton, 2-ounce size, and portion of cartons, 12-ounce size) "Used as an antidote for Alkali water, for Excessive thirst, and for all troubles emanating from changing and drinking bad water; also for troubles caused by eating unripe fruit and for all poisons emanating from decay and putrefaction;" (circular, all three sizes) "Aches * * * Cholera Morbus * * * Diarrhoea—Take * * * Dr. Ward's Celebrated Liniment. * * * This will usually check the disease. * * * for colic in horses and scours in calves. Chronic Inflammation of the Stomach—Take Dr. Ward's Celebrated Liniment * * * Ordinary Colic—Take * * * Dr. Ward's Celebrated Liniment * * * until relieved. * * * Ordinary Coughs * * * Cramps * * * I was taken with severe pains in the back of my neck. When writing a letter or doing anything which required me to hold my head in a stooped position for a few moments

it took me half an hour to get my head straightened, and the pain was something awful. * * * a friend advised me to try Dr. Ward's Liniment. I did so, and after using two bottles, was entirely relieved and have not had a touch of it since. * * * Ordinary Sore Throat—Take * * * Dr. Ward's Celebrated Liniment. * * * Use * * * as a gargle and take * * * every hour until relieved. * * * I have tried it for sore throats * * * it is my ready and reliable remedy * * * Dysentery—Take * * * Dr. Ward's Celebrated Liniment * * * Earache—Wet a small piece of cotton with Dr. Ward's Celebrated Liniment and place in the ear. * * * Piles—Take equal parts of Liniment and thick cream, mix them well together, then apply it four or five times a day, rubbing it thoroughly. You must not expect relief from Piles in a day, as it often takes a week or more to get results. * * * for rheumatic pains. * * * Rheumatic Pains—Apply as directed for Cramps. * * * Colic * * * if this does not give relief in fifteen or twenty minutes, repeat the dose. * * * I had a horse very ill with colic. I telephoned for a horse doctor but he said if I had some Ward's Liniment it was not necessary for him to come out. I gave the horse a big dose of Ward's Liniment and in ten minutes he was well again. * * * Coughs and Colds * * * If you doubt what is said about Dr. Ward's Liniment, try it on a sick horse or on any domestic animal; * * * Scour—Give a good liberal drench and follow by adding one teaspoonful of Liniment in the feed of oats at each meal until cured. * * * I had a mare that got the scour. I gave her one dose of Ward's Liniment as a drench and the next day I gave her one table-spoonful of some oats. In a couple of days she was as well as ever. I told one of my neighbors about it and in about ten days he sent his boy over to get some Liniment for a horse that had the scour. We gave it a couple of doses and the cure was sure. * * * Swollen Joints or Muscles—Bathe thoroughly with the Liniment three times a day until swelling is reduced. * * * For colic in horses it has no equal * * * Sweeny * * * I cured several very bad cases of bloat in cows and also cured two colts of colic and scour. * * * I believe it is the best liniment in the world for colic in horses and for clover bloat in cattle."

On July 23, 1931, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18661. Misbranding of Jones' liniment. U. S. v. 101 Bottles, Small Size, et al., of Jones' Liniment. Default decrees of condemnation and destruction. (F. & D. Nos. 26067, 26274. I. S. Nos. 28260, 28261, 28306, 28307. S. Nos. 4295, 4579.)

Examination of samples of the drug product Jones' liniment having shown that the bottle and carton labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the Western District of Pennsylvania the interstate shipments herein described, involving quantities of the product located at Pittsburgh, Pa.

On March 21 and April 23, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 179 bottles, small size, and 82 bottles, large size, of Jones' liniment, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped in part by the M. Spiegel Medicine Co., Albany, N. Y., on or about March 28 and November 21, 1930, and in part by M. Spiegel & Sons (Inc.), Albany, N. Y., on or about March 28, 1931, and had been transported from the State of New York into the State of Pennsylvania, 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 consisted essentially of petroleum distillate such as gasoline, methyl salicylate, pine-tar oil, camphor oil, and capsicum oleoresin.

Misbranding was alleged in the libel filed with respect to a portion of the product for the reason that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Large carton) "For Rheumatic Pains, Neuralgia, Sore Throat and Quinsy, Headache (Nervous) * * * Backache * * * Lameness, Chilblains * * * It is good for Rheumatism, Lumbago,