22966. Misbranding of Speedway Liniment. U. S. v. 10 Bottles, et al., of Speedway Liniment. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 32514. Sample nos. 65251–A, 65252–A, 65253–A.)

This case involved a drug preparation that was labeled with unwarranted curative and therapeutic claims. It was also labeled to convey the impression that it had been examined and approved and was guaranteed by the Government, whereas it had not been approved and was not guaranteed by the Government.

On April 11, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 large bottles, 18 medium bottles, and 34 small bottles of Speedway Liniment at Chicago, Ill., alleging that the article had been shipped in interstate commerce, on or about February 24, 1934, by the Speedway Remedy Co., from Shelby, Ohio, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of small proportions of volatile oils including almond oil, eucalyptol, menthol, and methyl salicylate, alcohol (49 percent) by volume, and water colored green. Quantitative estimation of the volatile oils showed that the total proportion of those ingredients was less than 2 percent.

The article was alleged to be misbranded in that the statement in the circular, "Guaranteed by Speedway Remedy Co. under Food and Drugs Act, June 30, 1906, Serial No. 18992", was misleading, since it created the impression that the article had been examined and approved by the Government and that the Government guaranteed that it complied with the law, whereas it had not been approved by the Government and the Government did not guarantee that it complied wih the law. Misbranding was alleged for the further reason that the cartons, bottle labels, and circulars contained false and fraudulent representations relative to its effectiveness as a treatment and remedy for all muscular soreness, muscular rheumatism, inflammatory rheumatism, backache, lumbago, stiff neck, sciatica, lameness, stiff joints, foot troubles, gouty feet, swollen feet, aching feet, bunions, sore throat, earache, toothache, azoturia, swelling and soreness of any kind, cold on the lungs, pneumonia, congestion of the throat, and eruptions caused by ptomaine poisoning; as effective in stopping and relieving all kinds of pain, or removing congestion, as effective in assisting nature in its process of reconstruction; in helping the circulation carry away all soreness; as to its penetrating and healing qualities; and as effective to leave the skin in the pink of condition.

On May 15, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered, and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

22967. Misbranding of Glycan Foot Rub. U. S. v. 18 Jars and 34 Jars of Glycan Foot Rub. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 32533, 32534. Sample nos. 68827–A, 68838–A.)

Examination of the drug preparation involved in these cases showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. It was also claimed for the article that it had been perfected under the approval of this Department, whereas it had not.

On April 12, 1934, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 18 jars (50-cent size) and 34 jars (35-cent size) of Glycan Foot Rub at Wilmington, Del., alleging that the article had been shipped in interstate commerce from Philadelphia, Pa., in part by the Samaco Sales Co., Inc., on or about March 23, 1933, and in part by the Glycan Laboratories, Inc., on or about March 24, 1934, and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the article by this Department showed that it consisted essentially of salicylic acid, extract of a plant drug such as cannabis (approximately 1.5 percent), a small proportion of borax, soap, stearic acid, and water (approximately 73 percent), perfumed with volatile oils such as menthol, methyl salicylate, and thymol.

It was alleged in the libels that the article was misbranded in that the following statement appearing in the circular was false and misleading: "Perfected under the approval of the Pure Food and Drug Department of the United States Government."