

25138. Misbranding of white pine and tar compound. U. S. v. 200 Bottles of White Pine and Tar Compound. Default decree of condemnation and destruction. (F. & D. no. 36107. Sample no. 36685-B.)

This drug preparation was labeled with unwarranted curative and therapeutic claims, it contained alcohol and chloroform which were not declared on the bottle and which were incorrectly stated on the carton, and it was not a compound of white pine and tar as was indicated by the name under which it was sold.

On August 6, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 bottles of white pine and tar compound at Adams, Mass., alleging that the article had been shipped in interstate commerce on or about March 4, 1935, by B. R. Elk & Co., from Garfield, N. J., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of extracts of plant drugs including wild cherry and ipecac, a trace of tar, chloroform (1.15 minims per fluid ounce), alcohol (12.2 percent), and water, flavored with sassafras oil.

The article was alleged to be misbranded in that the statement, "White Pine & Tar Compound", was false and misleading in view of the actual composition of the article. Misbranding was alleged for the further reason that the statement, "Contains 4 Min. Chloroform Per fl. oz. Alcohol 5%", was false and misleading, since the article contained less chloroform and more alcohol than stated. Misbranding was alleged for the further reason that the package failed to bear on its label a statement of the quantity or proportion of chloroform and alcohol contained therein, since the bottle label carried no declaration and that appearing on the carton was incorrect. Misbranding was alleged for the further reason that the statements, "Coughs * * * Bronchitis, * * *", regarding the curative and therapeutic effects of the article, were false and fraudulent.

On September 30, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25139. Misbranding of Dr. Sumner's Lung Salve. U. S. v. 26 Jars of Salve. Consent decree of condemnation and destruction. (F. & D. no. 36117. Sample no. 35830-B.)

This case involved a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On August 28, 1935, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 26 jars of salve at Sheridan, Wyo., alleging that the article had been shipped in interstate commerce on or about January 24, 1935, by Dr. J. B. Sumner & Son., Orem, Utah, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Dr Sumners Lung salve * * * Dr. J. B. Sumner and Son * * * Provo, Utah."

Analysis showed that the article consisted essentially of eucalyptus oil (approximately 10 milliliters per 100 grams), incorporated in petrolatum.

The article was alleged to be misbranded in that the following statements in the labeling regarding its curative and therapeutic effects were false and fraudulent: "Lung Salve * * * For Croup Pneumonia and all Diseases of Throat and Lungs."

On October 21, 1935, the shipper having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed, and that the shipper pay costs of the proceedings.

W. R. GREGG, *Acting Secretary of Agriculture.*

25140. Misbranding of Dalley's Pain Extractor. U. S. v. 404 Packages of Dalley's Pain Extractor. Default decree of condemnation and destruction. (F. & D. no. 36127. Sample no. 42455-B.)

This case involved a shipment of a drug preparation the labeling of which contained unwarranted curative and therapeutic claims.

On August 13, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 404 packages of Dalley's Pain Extractor at Newburgh, N. Y., alleging that the article had been

shipped in interstate commerce on or about July 16, 1935, by the Dalley Manufacturing Co., from Bayonne, N. J., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of a bismuth compound and camphor incorporated in an ointment base.

The article was alleged to be misbranded in that the following statements appearing in the labeling were statements regarding the curative and therapeutic effects of the article and were false and fraudulent: (Metal box) "Pain Extractor"; (wrapper) "Pain extractor * * * A Remedy for * * * Cuts, Piles, Ulcers, Boils, Salt Rheum, Swellings, * * * Etc. Use Dalley's Pain Extractor Wherever Inflammation Exists * * * Pain Extractor"; (circular) "Pain Extractor * * * Being a sovereign remedy for Piles, Rheumatism, Eruptions, * * * and all the innumerable accidental injuries * * *. Its power is the wonderful control it has over Inflammation Inflammation and Pain are as inseparable as fire and heat. Inflammation produces Pain, and Pain produces Inflammation. Wherever there is unnatural Heat, Throbbing, or Redness, whether caused by Fever, * * * Cuts, Sores, Piles, * * * Rheumatism, &c., there is Inflammation. To relieve Pain, and restore Nature, the Inflammation must be subdued. * * * Thousands of persons who have used Dalley's Pain Extractor are convinced that its control over Inflammation is most wonderful, neutralizing the poison, extracting morbid secretions and assisting Nature to resume her course, thus renewing and healing. * * * Pain Extractor Is A Remedy For * * * Piles, Salt Rheum Itch Swellings, Cuts, * * * Erysipelas, * * * Inflammations, * * * Bunions, Rheumatism Sores, * * * Broken Breasts, Sore Nipples, Sore Feet, &c., * * * and all the various Skin Diseases. In fact wherever inflammation exists the Pain Extractor should be applied. * * * where the skin is broken, * * * For Boils, Swellings, Tumors, &c., * * * For Salt Rheum, Scald Head, Ringworm, and all skin diseases, * * * For Sore Eyes, * * * For Piles, * * * For Rheumatism, Weak Back, &c., * * * It Is Not A Repellent. It does not drive in and disperse through the system those humors that appear on the skin, but being as its name indicates a pain and poison extractor, it draws out from the system and diseased parts, the inflammation that is the support of the ailment."

On September 6, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25141. Misbranding of American Desert Tea. U. S. v. 110 Envelopes of American Desert Tea. Default decree of condemnation and destruction. (F. & D. no. 36128. Sample no. 35269-B.)

This case involved a product, the labeling of which contained unwarranted curative and therapeutic claims.

On August 13, 1935, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 110 envelopes of American Desert Tea at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about February 15, 1935, by the American Desert Tea Co., from Hollywood, Calif., and charging misbranding in violation of the Foods and Drugs Act as amended.

Analysis showed that the article consisted essentially of a species of *Ephedra*.

The article was alleged to be misbranded in that the following statements on the envelopes regarding its curative or therapeutic effects were false and fraudulent: "* * * with wonderful medical qualities * * * one of Mother Nature's Remedies * * * Recommended for Stomach, Kidney and Bladder Troubles, especially Insomnia. Try it for Rheumatism, Neuritis, Arthritis and Asthma. The Indians and Chinese recommend it highly as a Blood Purifier, eliminating the Uric Acid from the Blood. * * * Two cups served hot upon retiring promotes a sound and refreshing sleep. * * * In case of stomach trouble or acidity, benefits should be derived the second day."

On September 18, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*