

4134. Misbranding of "Jackson's Magic Balsam." U. S. v. 10 Cases * * * of * * * "Jackson's Magic Balsam." Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6115. I. S. No. 157-k. S. No. E-166.)

On November 19, 1914, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 cases, each containing 2 gross retail packages of a product known as "Jackson's Magic Balsam," remaining unsold in the original unbroken packages at Charleston, S. C., alleging that the product had been shipped, on or about March 7, 1914, and transported from the State of Maryland into the State of South Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended. The retail packages were labeled: "Jackson's Magic Balsam Remedy for Toothache in 1 min., Neuralgia in 20 min., Headache in 5 min., Rheumatism, Croup in 5 min. It is a good Horse Lotion, for Cuts, Wounds, Galls, Bruises, etc. 1 liquid ounce contains: Absolute Alcohol 91.4% Chloroform 7.25 grs. Morphine 0.939 grs. Price 25 Cts. P. Van Alstine Prop. Balto., Md." On the bottle labels appeared the following: "Remedy * * * rheumatism, croup in five minutes." On the cartons the following words appeared: "Old chronic coughs and all diseases of the throat, kidney complaints and all diseases of the kidneys. Remedy for sore eyes, * * * Bites of animals * * * Poisons of all kinds. Remedy for Rheumatism * * * Catarrh, Swelling and Risings, * * * and Inflammation in any Part of the Body." On the circulars the following words appeared: "For headache—Pour one teaspoonful on top of the head and rub all over; also bathe the temples and forehead freely; also inhale the Balsam up the nose and relief is certain. For * * * old Chronic Coughs * * *. For * * * Erysipelas, * * * Bites of Animals * * *. For Cholera * * *. For Bronchitis * * *. For Bowel Complaint of Children—it will never fail to cure. For Rheumatism * * * It has never failed to cure the worst cases when the balsam was used for a long time. Some cases have been cured with one 25 cent bottle. * * * Perseverance insures a cure always. For croup * * * Give a little at a time until relieved. For Salt Rheum * * *. For Sore Eyes. For Suppressed Menses. For Catarrh in the Head. For Dyspepsia. For Canker in the Mouth, Throat or Stomach. Deafness—Wash out the ear well with Castile soap and warm water, then wet a piece of cotton with the Balsam and put in the ear; then put a piece of dry cotton over it, or on the wet cotton, repeating the operation every three or four days. Do so for thirty days, and then remove all the cotton and put dry cotton in the ear for a few days, then remove it, and you will find your hearing greatly improved, if not entirely cured. In recent cases it does not require so long a time to effect a cure as in long-standing cases. For Kidney Complaints. Use it for all Galls and diseases of Horses and Animals. * * * Will cure the worst Colic in twenty minutes. Mothers will find nothing in the world better for children teething than Jackson's Balsam. Keep the gums well bathed with the Balsam, and you will have no trouble with them while teething. * * * For old men and women, who would enjoy good health in their declining years, there is nothing to be compared with this medicine. Fifteen drops taken in a little sweetened water, three times a day, will in a short time, greatly improve their health as it is a great vitalizer of the blood. * * * By mixing one teaspoonful of Balsam in one cup of water will always prevent a change of water, from injurious effects."

Misbranding of the article was alleged in the libel for the reason that the words and figures, so declared, marked, printed, branded, and labeled in and

upon the said packages, bottles, cartons, and circulars as aforesaid, were misleading, false, and fraudulent, and that the said article was misbranded regarding the curative or therapeutic effects of such article, or any of the ingredients or substances contained therein, within the meaning of the Act of Congress, approved on the thirtieth day of June, A. D. 1906, as amended by the Act of Congress, approved on the twenty-third day of August, A. D. 1912.

On June 4, 1915, no answer, claim, objection, or appearance having been made and the cause having come on for hearing before the court and a jury, after the submission of evidence, the jury returned a verdict finding the article misbranded as alleged, and on June 5, 1915, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the article should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*