

4708. Misbranding of "Depurativo Guardias." U. S. * * * v. 5½ Dozen Bottles * * * "Depurativo Guardias." Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7146. I. S. No. 3332-1. S. No. E-518.)

On January 4, 1916, the United States attorney for the District of Porto Rico, 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 5½ dozen bottles of "Depurativo Guardias," remaining unsold in the original unbroken packages at San Juan, P. R., alleging that the article had been shipped on November 26, 1915, by the Guardias Ointment Co., New York, N. Y., and transported from the State of New York into the Island of Porto Rico, and charging misbranding in violation of the Food and Drugs Act, as amended. It was claimed in the circular in Spanish, inclosing each bottle, that the said "Depurativo Guardias" was an infallible cure for herpes, scrofula, tumors, syphilis in all its forms, rheumatism, however rebellious and chronic, ulcers or sores, leprosy or the disease of Lazarus, diseases of women, pains of all classes whether they be syphilitic, rheumatic, or mercurial, fistulas, and erysipelas.

Misbranding of the article was alleged in the libel for the reason that the statements contained in the circular and on the label of the bottles, as set out above, were false, fraudulent, and misleading, a chemical analysis of the article showing that it did not contain any ingredient or combination of ingredients capable of producing the claims set out upon the label or circular, as aforesaid. It was further alleged in the libel that the article was mislabeled and misbranded so as to deceive and mislead the purchaser thereof, in that both the label and wrapper around the bottle contained statements regarding said article, and the ingredients and substances contained therein, which were fraudulent and misleading, that is to say, said label and circular were calculated to lead the public to believe that the article was a useful and good medicine, and would cure the various ills, diseases, and complaints as set out in said circular and label, whereas, in fact, it was not of a medicinal nature such as would produce any such results, and was utterly worthless for that purpose.

On March 17, 1916, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*