

4731. Misbranding of "Depurativo Carson Universal." U. S. * * * v. 4¼ Dozen Packages of * * * "Depurativo Carson Universal." Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 7196. I. S. No. 3336-I. S. No. E-529.)

On February 3, 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 4¼ dozen packages of a product called "Depurativo Carson Universal," remaining unsold in the original unbroken packages at San Juan, P. R., alleging that the article had been shipped, on or about November 4, 1915, by the Guardias Ointment Co., New York, N. Y., and transported from the State of New York into the Territory of Porto Rico, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled, in part: (On bottles) "Remedy for Rheumatism and all Blood Diseases Depurativo Carson Universal Manufactured by Kane & Behrens, New York City." The circular, in English and Spanish, accompanying the product contained, among other things, the following: "Carson's Universal Blood Purifier * * * an infallible remedy for all the following ailments can be assured: Salt Rheum * * * Scrofula and Tumors of all kinds * * * Syphilis * * * Rheumatism * * * Ulcers or Sores * * * Women Diseases * * * Fistulas and Erysipelas."

Misbranding of the article was alleged in the libel for the reason that the statements in the circulars accompanying the bottles and on the labels of the bottles or packages as set out above were false, fraudulent, and misleading, a chemical analysis of the article showing that it did not contain any ingredients or combination of ingredients capable of producing the claims and results set out upon the label or in the circular aforesaid. It was further alleged in the libel that the article was mislabeled and misbranded as aforesaid so as to deceive and mislead the purchaser or purchasers thereof, in that the label or wrapper around the bottles contained statements regarding the 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 and in truth, 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.*