

7498. Misbranding of Black-Caps. U. S. * * * v. 6 Dozen Packages of * * * Black-Caps. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10805. I. S. No. 15761-r. S. No. E-1594.)

On July 2, 1919, the United States attorney for the District of Maryland, 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 6 dozen packages of a drug known as "Black-Caps," consigned on March 6, 1919, remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Safety Remedy Co., Canton, Ohio, and transported from the State of Ohio into the State of Maryland, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Black-Caps Recommended for the Treatment of Affections of the Mucous Membranes. * * * The value of the several medicines used, whether singly or in composition, is recognized by eminent authorities as stimulant to the mucous membranes, rendering prompt service in the relief of inflamed or irritated conditions of the passages, through the medication of the exposed mucous surfaces. * * * Attesting the medicinal efficacy of the component drugs entering into this prescription in the treatment of diseased Mucosa, The United States Dispensatory is quoted in effect: 'Copaiba—As a remedy it has been found useful in Catarrhs, particularly of a chronic character. It is given with advantage in Leucorrhœa, Chronic Cystitis, and Chronic Bronchitis. Cubebs—Has been given in Leucorrhœa, Cystorrhœa, Abscess of the Prostate Gland, and Chronic Bronchitis. In connection with Copaiba it has been especially recommended in affections of the neck of the Bladder, and Prostatic portion of the Urethra. Saw Palmetto—There is much clinical testimony as to its value, and it probably acts by reducing the Catarrhal irritation, and relaxed condition of the Mucous membranes of the Bladder and Urethra.'"

Analysis of a sample of the article made in the Bureau of Chemistry of this department showed that it consisted essentially of cubebs, balsam of copaiba, and an unidentified vegetable drug.

Misbranding of the article was alleged in the libel for the reason that the foregoing statements borne on the packages, regarding the curative and therapeutic effects thereof, were false and fraudulent in that the article did not contain any ingredient or combination of ingredients capable of producing the effects claimed for it.

On November 3, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

7499. Misbranding of emulsion of copaiba (Prescription 1000). U. S. * * * v. 21 Bottles of Emulsion of Copaiba. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10621. I. S. No. 14201-r. S. No. E-1543.)

On June 14, 1919, the United States attorney for the District of Connecticut, 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 21 bottles of emulsion of copaiba, remaining unsold in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped on or about March 27, 1919, by the Reese Chemical Co., Cleveland, Ohio, and transported from the State of Ohio into the State of Connecticut, and charging misbranding in violation of the Food and Drugs Act, as amended.

The article was labeled in part: (Bottle) "Prescription 1000 Internal is the most efficient treatment for Gleet and Gonorrhœa * * * New Discovery for Gonorrhœa and Gleet. * * * also a very good treatment for bladder troubles, frequent urination, inflammation. * * *;" (circular) "* * * Continue taking * * * for several weeks after the discharge stops and follow directions closely to insure permanent relief."

Analysis of a sample of the article made in the Bureau of Chemistry of this department showed that it consisted essentially of a slightly alkaline emulsion of copaiba flavored with methyl salicylate.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements were false, fraudulent, and misleading, and were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently to purchasers thereof, and create in the minds of purchasers thereof, the impression and belief that the article was in whole or in part composed of, or contained, ingredients or medicinal agents effective, among other things, as a remedy for certain diseases, to wit, gleet, gonorrhœa, bladder troubles, etc., when, in truth and in fact, it was not.

On October 20, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

7500. Misbranding of H. G. C. U. S. * * * v. 237 Bottles of H. G. C. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 10639. I. S. No. 7671-r. S. No. C-1308.)

On June 23, 1919, the United States attorney for the Western District of Oklahoma, 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 237 bottles of H. G. C., remaining unsold in the original unbroken packages at Oklahoma City, Okla., alleging that the article had been shipped on or about October 18, 1918, by the Acme Chemical Mfg. Co., New Orleans, La., and transported from the State of Louisiana into the State of Oklahoma, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) "H. G. C. A Safe and Non Poisonous Injection for Gonorrhœa and Gleet in either sex. Non Injurious Injection for Gonorrhœa and Gleet for Male and Female;" (bottle) "H. G. C. A Non Poisonous Injection for Gonorrhœa and Gleet Take no substitutes. H G C does not cause pain or injury. For male and female;" (circular) "Directions for using H. G. C. for Gonorrhœa, Gleet, Leucorrhœa or Whites. * * * Directions for using H. G. C. for Catarrhal Conditions: Coryza, Nasal Catarrh, Cold in the Head, Chronic Catarrh of the Head * * * Conjunctivitis, Catarrh of the Mucous Membrane Covering the Inner Surface of the Eyelids * * * Cystitis, Inflammation of the Bladder * * * Hemorrhoids, Piles * * *. For ulcers and open sores it has antiseptic and healing qualities * * *." (Similar statements in Spanish.)

Analysis of samples of the article made in the Bureau of Chemistry of this department showed that it consisted of an aqueous solution containing borax and berberine, and, in a small envelope, magnesium sulphate.

Misbranding of the article was alleged in substance in the libel for the reason that the foregoing statements, borne on the packages, cartons, and labels, and included in the circular accompanying the article, regarding the