

SS91. Misbranding of Leonard Ear Oil. U. S. * * * v. 5 Dozen Cartons of Leonard Ear Oil. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 11281. I. S. No. 2996-r. S. No. W-490.)

On September 24, 1919, the United States attorney for the Southern District of California, 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 5 dozen cartons of Leonard Ear Oil, remaining unsold in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by A. O. Leonard, New York, N. Y., on July 28, 1919, and transported from the State of New York into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of a solution of camphor, oil of eucalyptus, and a trace of alkaloidal material in mineral oil.

It was alleged in the libel that the article was misbranded in that certain therapeutic effects claimed for it on the cartons and labels and in the circulars inclosed in each carton, as follows, (cartons) "A Glandular * * * Oil Recommended for the Relief of Deafness, Head Noises, Discharging, Itching, Scaly Ears * * * and Ear Ache * * * Deafness, Head Noises and Ear Troubles," (labels) "Leonard Ear Oil Recommended for Relief of Deafness, Head Noises, Dry, Itching, Aching and Discharging Ears," (circular) "For relief of catarrhal deafness and head noises and other kinds of deafness and ear troubles * * * To relieve deafness * * * Leonard Ear Oil * * * will seldom fail to give relief * * *," (circular containing testimonials) "* * * Glandular * * * Oil for Relief of Deafness, Head Noises and for Relief of Discharging, Itching, Scaly Ears, and Ear Ache * * * has relieved the Deafness and Head Noises of more people than any known remedy. Its success has been phenomenal * * * Ear Troubles * * *," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On July 20, 1920, A. O. Leonard, New York, N. Y., claimant, having consented to a decree, 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.*

SS92. Misbranding of The Texas Wonder. U. S. * * * v. 6 Dozen Bottles of The Texas Wonder. Judgment by default ordering destruction of the product. (F. & D. No. 11857. I. S. No. 593-r. S. No. E-1915.)

On December 29, 1919, the United States attorney for the Southern District of Florida, 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 bottles of The Texas Wonder, at Jacksonville, Fla., consigned by E. W. Hall, St. Louis, Mo., alleging that the article had been shipped on or about December 1, 1919, and transported from the State of Missouri into the State of Florida, and charging misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of copaiba, rhubarb, colchicum, guaiac, turpentine, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the cartons and circulars contained the following statements regarding the curative and therapeutic effect thereof, (carton) "* * * A Remedy for Kidney and Bladder Troubles, Weak and Lame Backs, Rheumatism and Gravel.