

9634. Misbranding of Brazilian Balm. U. S. * * * v. 101 Bottles 50-Cent Size and 11 Bottles \$1 Size * * * of * * * Brazilian Balm. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12513. I. S. No. 9826-r. S. No. C-1840.)

On March 17, 1920, the United States attorney for the Southern District of Ohio, 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 101 bottles, 50-cent size, and 11 bottles, \$1 size, of Brazilian Balm, remaining unsold at Cincinnati, Ohio, consigned by the McCullough Drug Co., Lawrenceburg, Ind., February 20, 1920, alleging that the article had been shipped from Lawrenceburg, Ind., and transported from the State of Indiana into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (\$1 size, bottle label) “* * * Grip, Croup Throat and Lung Troubles, Catarrh asthma, Bronchitis, And Fevers * * * mumps, * * * constipation, piles and all inflammatory conditions * * *”; (50-cent size, bottle label) “* * * Croup, Throat and Lung Troubles Catarrh In Head, Stomach, Bowels, Etc. * * * Asthma, * * * Grip, Pleurisy, Inflammation and Hemorrhage of Lungs, Stomach, Bowels, Wounds, Etc. Wonderful In Fevers. * * * prevents lock jaw. * * * running ears, inflamed eyes, * * * swellings as in mumps, sore throat, * * * Bloating in typhoid * * *”; (both sizes, wrapper) “LaGrippe, Croup, Catarrh, Asthma, Pleurisy, Fevers, * * * Sore Throat, Bronchitis, * * * Inflammations, Lung Troubles * * *”; (small circulars) “* * * Grippe, Catarrh * * * Inflammation Of The Lungs * * * Pneumonia * * * Spanish Influenza * * * Whooping Cough * * * Asthma * * *,” “* * * Croup, Pleurisy, Bronchitis, Sore Throat, Sore Lungs, Catarrh, Asthma, and outwardly for Constipation, * * * Mumps * * * Lamé Back * * * Grip—Measles * * * hemorrhage of the lungs * * * Fevers * * * ‘Typhoid and Pneumonia’ * * *”; (large circulars) “* * * Croup, Grip, Sore Throat, Bronchitis, Fevers, * * * Asthma and Catarrh * * * Pneumonia * * * Spanish Influenza * * * Hay Fever * * * Systemic Catarrh * * * Mumps * * * typhoid fever * * * congestion of the lungs, laryngitis and heart failure * * * blood poison * * * Catarrh Of Bowels * * * Sick Headache * * * Typhoid—Pneumonia * * * Colic—Indigestion * * * Female Troubles * * * Consumption * * * Kidney Trouble * * * Constipation * * *,” “* * * LaGrippe, Croup, Bronchitis, Pleurisy, Sore Throat, Catarrh, Asthma, Pneumonia, Etc. * * * blood poison * * * Spanish Influenza * * * Hay Fever * * * Systemic Catarrh * * * Bloating * * * Bleeding Lungs, Stomach, Bowels * * * Bleeding Uterus * * * Catarrh Of Lungs * * * Catarrh Of Uterus * * * Constipation * * * Contagious Diseases * * * Fevers * * * Hemorrhage * * * Hemorrhoids * * * Blood Poison * * * Leucorrhoea or Whites * * * Measles * * * Mumps * * * Neuralgia * * * Piles * * * Prophylactic * * * Quinsy * * * Scarlet Fever * * * Sore throat Tonsillitis * * * Tuberculosis * * * Typhoid * * * Whooping Cough * * *”

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of vegetable extract, including a trace of berberine, glycerin, sugar, alcohol, and water, flavored with methyl salicylate.

Misbranding of the article was alleged in substance in the libel for the reason that it contained no ingredient or combination of ingredients capable

of producing the therapeutic effects claimed in the above-quoted statements appearing in the labeling thereof, and in that it was insufficient of itself for the successful treatment and cure of the ailments and diseases for which it was prescribed and recommended in said statements.

On February 19, 1921, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9635. Misbranding of Brazilian Balm. U. S. * * * v. 23½ Dozen Bottles, 25-Cent Size, of Brazilian Balm, et al. Decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 12529, 12533. I. S. Nos. 24753-r, 12475-r. S. Nos. C-1864, C-1868.)

On March 24 and 30, 1920, respectively, the United States attorney for the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of approximately 23½ dozen bottles, 25-cent size, 36½ dozen bottles, 50-cent size, and 15 dozen bottles, \$1 size, of Brazilian Balm, remaining in the original unbroken packages, in part at Salem and in part at Cleveland, Ohio, alleging that the article had been shipped by B. F. Jackson & Co., from Buffalo and Arcade, N. Y., respectively, on or about January 21 and February 27, 1920, and transported from the State of New York into the State of Ohio, 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 plant extractives, including hydrastis, glycerin, sugar, alcohol, and water, flavored with methyl salicylate.

Misbranding of the article was alleged in substance in the libels for the reason that certain statements appearing in the labeling of the bottles containing the said article and in accompanying cartons, wrappers, and circulars falsely and fraudulently represented it to be effective for croup, throat and lung troubles, catarrh in the head, stomach, bowels, asthma, grip, pleurisy, inflammation and hemorrhage of lungs, stomach, and bowels, wounds, fevers, running ears, inflamed eyes, swelling as in mumps, sore throat, la grippe, bronchitis, inflammations, piles, sore lungs, constipation, measles, typhoid and pneumonia, systemic catarrh, Spanish influenza, hay fever, bleeding lungs, stomach, and bowels, bleeding uterus, catarrh of lungs, catarrh of uterus, contagious diseases, earache, hemorrhoids, leucorrhea or whites, mumps, neuralgia, quinsy, scarlet fever, tonsillitis, tuberculosis, whooping cough, laryngitis and heart failure, sick headache, serious female troubles, quick consumption, kidney trouble, to prevent lock jaw, and as a prophylactic, when, in truth and in fact, it contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On July 27, 1920, no claimant having appeared for that portion of the product at Cleveland, and on August 10, 1920, the J. H. Lease Drug Co. having entered an appearance as claimant for the property at Salem and having admitted the allegations of the libel and confessed judgment, decrees of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*