

9843. Misbranding of Euca-Mul. U. S. * * * v. 16 Bottles * * * and 10½ Dozen Bottles * * * of Euca-Mul. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14279. Inv. Nos. 26598, 26599. S. No. C-2753.)

On February 12, 1921, the United States attorney for the District of Kansas, 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 16 bottles, large size, and 10½ dozen bottles, small size, more or less, of Euca-Mul, at Atchison, Kans., alleging that the article had been shipped by the Edward G. Binz Co., Los Angeles, Calif., on or about October 29, 1920, and transported from the State of California into the State of Kansas, 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 contained an emulsion of oil of eucalyptus, reducing sugars, glycerin, gum, water, and alcohol.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding the therapeutic or curative effect thereof, appearing on the labels of the bottles and cartons containing the said article and in the accompanying circular, to wit, (large sized bottle) "Euca-Mul * * * Indicated In Croup * * * Bronchial Asthma. Tuberculosis Whooping Cough And Other Throat And Lung Affections * * * relieves * * * bronchial asthma. Especially effective in cough of phthisis and Whooping Cough * * *," (small sized bottle and carton) "Euca-Mul * * * Gives immediate Relief in * * * Asthma Croup, Pneumonia Whooping Cough, Consumption and any Lung or Throat Trouble. * * * excellent for all Chronic Throat and Lung troubles. It builds up resisting power in patient, controls the cough * * *," (circular, small size) "Euca-Mul * * * Will * * * relieve any kind of cough; will relieve all chronic coughs, and will arrest paroxysms in whooping cough; * * * For Whooping Cough * * * Use * * * and * * * you will control the whooping cough in a short time. Consumption In this trouble, use Euca-Mul * * * for the effect in the disease, regardless of the cough * * * Asthma This disease should be treated with Euca-Mul, * * * Croup * * * Euca-Mul will be appreciated in this disease. * * * The persistent use of Euca-Mul brings the best results * * *," were false and fraudulent in that the said statements were applied to the article so as to represent falsely and fraudulently and to create in the minds of purchasers thereof the impression and belief that it was composed of or contained ingredients or medicinal agents capable of producing the therapeutic effect claimed, when, in truth and in fact, it contained no ingredient or combination of ingredients capable of producing such effect.

On June 28, 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.*

9844. Misbranding of cottonseed cake. U. S. * * * v. Liberty Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 14316. I. S. No. 18801-r.)

On April 4, 1921, 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 an information against the Liberty Cotton Oil Co., a corporation, Oklahoma City, Okla., alleging shipment by said company, on or about November 19, 1919, in violation of the Food and Drugs Act, as amended, from the State of Oklahoma into the State of Kansas, of a quantity of cottonseed cake which was misbranded.