

On February 5, 1931, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17924. Misbranding of Lanman & Kemp's Pure cod-liver oil, and Lanman & Kemp's Cod Oil Black. U. S. v. 27 Large-Sized Bottles of Lanman & Kemp's Pure Cod Liver Oil, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 25811, 25812. I. S. Nos. 5734, 5735. S. No. 3913.)**

The cod-liver oil and Cod Oil Black from the herein-described shipments having been found to bear in the labeling curative and therapeutic claims that were not justified, the Secretary of Agriculture reported the matter to the United States attorney for the District of Porto Rico.

On January 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 27 large-sized bottles and 20 small-sized bottles of Lanman & Kemp's Pure cod-liver oil and 32 large-sized bottles and 25 small-sized bottles of Lanman & Kemp's Cod Oil Black, alleging that the articles had been shipped by Lanman & Kemp (Inc.), New York, N. Y., on or about April 2, 1930, to San Juan, P. R., and were being sold and offered for sale in Porto Rico by J. M. Blanco (Inc.), San Juan, P. R., and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the article labeled "Pure Cod Liver Oil" consisted of cod-liver oil; and that the article labeled "Cod Oil Black" consisted of rancid, dark-colored cod-liver oil.

It was alleged in the libel that the articles were misbranded in that the following statements regarding the curative or therapeutic effects of the said articles, were false and fraudulent, since they contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Cod-liver oil, circular) "The purity and superior medicinal qualities of this article have acquired for it a high reputation \* \* \* in cases of Consumption, Rheumatism, Liver Complaint, &c. \* \* \* One thing is certain, that for the diseases of the Throat, Lungs and Liver, there is no remedy more popular than Pure Cod Liver Oil. \* \* \* It fattens and strengthens the patient as well as acts specifically upon the seat of the disease. \* \* \* relieves indigestion \* \* \* In the hospitals it is considered a standard remedy for diseases of the lungs, rheumatism, liver complaint, and many disorders of the stomach and bowels. \* \* \* is still frequently surprising me by the wonders it occasionally works, even in aggravated and advanced cases of scrofula, mesenteric diseases, pulmonary consumption, chronic pneumonia, pleurisy and chronic rheumatism. \* \* \* interesting cases of Consumption in which this remedy was employed. In all of them great benefit was experienced from its use. Even in the second and third stages of this terrible complaint patients convalesced under its influence. 'In a few days,' says the report, 'the cough was mitigated, expectoration diminished in quantity and opacity, night-sweats ceased, and the pulse became slower and of better volume, and the appetite, flesh and strength gradually improved.' \* \* \* that oil taken when fresh and pure from the cells of the cod's liver, is one of the best agents, medicinal and dietetic, that has ever been prescribed for pulmonary consumption;" (cod-liver oil, translation from circular in Spanish) "Catarrhs \* \* \* malnutrition;" (Cod Oil Black, translation from Spanish label) "A remedy for Phthisis, Asthma, Chronic Rheumatism and Pulmonary Diseases."

On March 7, 1931, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17925. Misbranding of Vial's phenic syrup. U. S. v. 2 Dozen Bottles of Vial's Phenic Syrup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25660. I. S. No. 5736. S. No. 3942.)**

Examination of samples of a drug product, known as Vial's phenic syrup, from the herein-described shipment having shown that the labels bore claims of curative and therapeutic properties which the article did not possess, and that it was represented to be an antiseptic, whereas it was not, the Secretary of Agriculture reported the matter to the United States attorney for the District of Porto Rico.

On or about January 13, 1931, the United States attorney for the District of Porto Rico filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of two dozen bottles of Vial's phenic syrup, alleging that the article had been shipped by Charles L. Huisking & Co., New York, N. Y., on or about November 14, 1930, to San Juan, P. R., and was being sold and offered for sale in Porto Rico, by J. M. Blanco (Inc.), San Juan, P. R., and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of phenol, morphine hydrochloride (0.072 grain per fluid ounce), sugar, and water.

It was alleged in the libel that the article was misbranded in that the statements appearing in the circular accompanying the said article, "By Its Antiseptic Properties" and "The Antiseptic Properties of this Syrup," were false and misleading, since the article was not antiseptic. Misbranding was alleged for the further reason that the following statements appearing on the bottle label and wrapper and in the accompanying circular were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label and wrapper) "Vial's Syrup is indicated in the treatment of Bronchial Affections, Catarrh, Asthma, \* \* \* Influenza, Whooping Cough, Hoarseness, Loss of Voice, etc. [similar statements in French];" (circular in English) "Vial's Compound Phenique Syrup. Indicated in the treatment of Bronchial Affections, Catarrh, Asthma \* \* \* Influenza, Whooping Cough, Hoarseness, Loss of Voice, Etc. Phenique Acid is one of the active principles of tar so long employed for chest diseases, \* \* \* It rapidly reduces the excess in the secretions of the respiratory organs and renders them sterile \* \* \* by its antiseptic properties speedily tends to remove that offensive taste and odor occasioned by the mucous secretions which have remained for a time in the large bronchial tubes or their ramifications, and more especially in the pulmonary caverns of consumptive patients. \* \* \* valuable in catarrhal affections generally, but particularly in those of the bronchial tubes. The antiseptic properties of this Syrup place it in the first rank in acute Bronchitis, Asthma, \* \* \* Influenza, granulation in the Throat, Hoarseness, and affection of the Voice, etc. The effect is as efficacious as it is rapid. \* \* \* [in circular translated from Spanish] Phenic Acid \* \* \* so long employed for diseases of the chest. \* \* \* The property of coagulating the blood that this Syrup possesses renders it very valuable for diseases of the chest, with or without blood sputums, and in all kinds of hemorrhages, either to avoid or to alleviate them when they exist; it also possesses the property of reducing with rapidity, the abundant secretions of the respiratory organs; \* \* \* for catarrh affections in general, and particularly for those of the bronchi. Its action is such in cases of acute bronchitis, asthma, \* \* \* catarrhs, granulations of the throat, hoarseness and in all affections of the voice, etc. \* \* \* If we recall that the emanations of gas factories have been recommended for children suffering from whooping cough, and knowing that these emanations contain a large quantity of Phenic Acid, it will be clearly understood why Phenic Syrup is prescribed to combat this long and painful disease, in which it effectively produces the best of results. It is employed in all these affections by taking a dose of three tablespoonfuls a day."

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ARTHUR M. HYDE, *Secretary of Agriculture.*