

18030. Misbranding of Prescription No. 3913 for rheumatism. U. S. v. 10 Packages of Prescription Number 3913. Default decree of condemnation and destruction. (F. & D. No. 25644. I. S. No. 20007. S. No. 3906.)

Examination of a drug product, known as Prescription No. 3913 for rheumatism, having shown that the labels contained statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the District of Connecticut.

On January 10, 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 10 packages of Prescription No. 3913 for rheumatism, remaining in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped by C. H. Platt, from Brooklyn, N. Y., on or about December 8, 1930, and had been transported from the State of New York into the State of Connecticut, 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 potassium iodide, extracts of plant drugs, alcohol, sugar, and water, flavored with sassafras oil.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "For Sciatica Muscular and Chronic Rheumatism Successfully used since October 14th, 1892, in the treatment of Gout * * * For Sciatica and Muscular Rheumatism and in the treatment of Chronic Rheumatism and Gout. * * * had at that time been a sufferer from Chronic Rheumatism for more than ten years, and had given up hope of ever being relieved. He used the medicine with the most satisfactory results, a complete and permanent cure being effected * * * It is a Prescription that represents a combination of medicines so exact in proportion as to exert their curative powers in a remarkable degree in the various forms of Muscular and Chronic Rheumatism. * * * Our Earnest request to those who have been restored to health by its use, is that * * * This medicine has been used successfully in Sciatica and Muscular Rheumatism and in the treatment of Chronic Rheumatism and Gout, it has proven to be of value. * * * Prescription 3913, in the cases where it has proven effective produces results that are permanent and complete * * * Sciatica, Muscular, For Rheumatism, Chronic Rheumatism and Gout."

On February 24, 1931, no claimant having appeared for the property, judgment of condemnation 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.*

18031. Misbranding of Dr. James P. Campbell's Safe arsenic complexion wafers. U. S. v. 3 Dozen Packages of Safe Arsenic Complexion Wafers. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25658. I. S. No. 19809. S. No. 3926.)

Examination of the drug product herein described having shown that the box label, wrapper, and circular contained statements representing that the article was safe and harmless, whereas it was not, and that the said labeling further represented that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Texas.

On January 14, 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 three dozen packages of the said Dr. James P. Campbell's Safe arsenic complexion wafers, remaining in the original unbroken packages at Beaumont, Tex., alleging that the article had been shipped by the McCullough Drug Co., from Cincinnati, Ohio, on or about September 22, 1928, and had been transported from the State of Ohio into the State of Texas, 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 the wafers consisted of starch containing a small proportion of arsenic.

It was alleged in substance in the libel that the article was misbranded in that the following statements appearing in the labeling were false and misleading: (Box) "Guaranteed absolutely safe and harmless to anybody;" (wrapper) "Safe * * * Guaranteed absolutely safe and harmless to anybody;"