

19034. Misbranding of Marvel ointment. U. S. v. 1½ Gross Jars of Marvel Ointment. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26814. I. S. No. 25437. S. No. 4969.)

Examination of a drug product, known as Marvel ointment, from the shipment herein described having shown that the carton label and accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Missouri.

On July 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 1½ gross jars of Marvel ointment, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by White & Kleppinger (Inc.), from Chicago, Ill., on or about March 2, 1931, and had been transported from the State of Illinois into the State of Missouri, 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 volatile oils (35 per cent, mostly methyl salicylate) incorporated in an ointment base (65 per cent) composed of petrolatum and paraffin.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the carton label and in the accompanying circular, regarding the curative or therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "For Rheumatic Pains * * * For Inflammation and Congestion. * * * Used externally, Marvel Ointment will be found to be a very effective remedy in most forms of inflammation and congestion. * * * For coughs * * * nasal catarrh, headache, neuralgia and all affections of the head, throat and lungs. Marvel Ointment should be applied by inhalation. * * * Highly Recommended For the Following: Asthma, * * * Catarrh, Croup, Headache, * * * Itchings, Boils, Whooping Cough, Neuralgia, Bronchitis, * * * Pneumonia, Sore Throat, Piles (Itching), Rheumatic Pains, Also for * * * Aching Feet;" (circular) "Directions * * * Used externally, it acts through the skin * * * The second method of application is by vaporization in which the volatile ingredients of this Ointment are inhaled with each breath and carried direct to the inflamed air passages. Vaporization can be effected by rubbing the Ointment on the throat and chest whereupon the medicated vapors are released by the heat of the body. * * * the efficiency of the Ointment lies in its strength and its burning action is essential for the quick relief of the soreness and congestion."

On December 2, 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.*

19035. Adulteration and misbranding of ether. U. S. v. Twenty-five 1-Pound Cans of Ether. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26910. I. S. No. 31429. S. No. 5094.)

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On September 3, 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 twenty-five 1-pound cans of ether, remaining in the original unbroken packages at Denver, Colo., consigned by Merck & Co. (Inc.), St. Louis, Mo., alleging that the article had been shipped from St. Louis, Mo., on or about September 18, 1930, and had been transported from the State of Missouri into the State of Colorado, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ether for Anesthesia, U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated on the label.