20389. Misbranding of liquid medicine (fluidextract of ginger). U.S. v. 5 Barrels of Fluidextract Ginger. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 27714. I.S. no. 41224. S. no. 5808.)

This libel involved five barrels of a product labeled, "Liquid Medicine." The article was of high alcoholic content, contained some ginger extractives, and also contained a phenolic compound and a phosphate, indicating the presence of tricresyl phosphate, the ingredient in imitation ginger fluidextract that has been shown to be responsible for "ginger" paralysis. The shipper of record was a corporation which, with other defendants, was convicted of conspiracy to violate the laws of the United States, and a violation of the Food and Drugs Act, for unlawful shipments of a similar product which was sold as fluidextract of ginger (N.J. no. 19400).

On February 3, 1932, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of five barrels of the said liquid medicine, remaining in the original unbroken packages at St. Louis, Mo., which had been consigned in interstate commerce by the Hub Products Co., Boston, Mass. It was alleged in the libel that the article had been shipped in various lots on or about March 6, March 8, March 10, March 13, and March 15, 1930, from Boston, Mass., to St. Louis, Mo., and that it was misbranded in violation of the Food and Drugs Act. The article was labeled in part: "From Hub Products Co., Boston, Mass. Liquid Medicine."

Misbranding of the article was alleged for the reason that its package or label failed to bear a statement of the quantity or proportion of alcohol contained in the article.

On November 15, 1932, 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.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20390. Misbranding of Jones' liniment. U.S. v. Jacob K. Spiegel (M. Spiegel Medicine Co.). Plea of guilty. Sentenced to 30 days' imprisonment and 6 months' sentence suspended for 2 years. (F. & D. no. 28089. I.S. nos. 15796, 16066, 16067, 27530, 28080, 28260, 28261, 28306, 28307, 29122, 29123, 30501.)

Examination of the labeling and composition of the drug preparation, Jones' liniment, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle and carton labels, and in a circular shipped with the article.

At the Utica 1932 term of court the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Jacob K. Spiegel, trading as the M. Spiegel Medicine Co., Albany, N.Y., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, between the dates of March 24, 1930, and March 28, 1931, from the State of New York into the States of Massachusetts, Maryland, Florida, Pennsylvania, and New Jersey, respectively, of 12 different consignments of the said Jones' liniment, which was misbranded. The article was labeled in part: "Manufactured by M. Spiegel Medicine Co., Albany, N.Y." Slight differences appeared in the therapeutic claims set out on the carton and bottle labels of the various shipments. A circular, identical in all shipments, accompanied the article.

Analysis of a sample of the article by this Department showed that it consisted essentially of a petroleum distillate such as kerosene, methyl salicylate, pine-tar oil, camphor oil, oil of sassafras, and capsicum oleoresin.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices, regarding the curative and therapeutic effects of the article, appearing on the carton and bottle labels, falsely and fraudulently represented that it was effective as a treatment for rheumatism, headache, backache, lameness, bunions, colic, and all bodily pains; effective for strengthening weak back and limbs and to heal bodily pains and inflammations, and effective as a relief for protracted pain, and effective as a treatment, remedy, and cure for sore throat, quinsy, nervous headache, backache, lameness: and effective as a treatment, remedy, and cure for rheumatism, lumbago, colic and cramps, earache, cold in the chest and lungs, gout, aching feet and inflamma-