

21193. Misbranding of Fisher's Lung Balm and Household Ointment. U. S. v. 23 Small Jars and 11 Large Jars of Fisher's Lung Balm and Household Ointment. Default decree of destruction entered. (F. & D. no. 30417. Sample nos. 35795-A, 35796-A.)

Examination of the drug preparation, Fisher's Lung Balm and Household Ointment, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the jar label, circular, and carton containing the article.

On or about May 10, 1933, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court, a libel praying seizure and condemnation of 23 small jars and 11 large jars of Fisher's Lung Balm and Household Ointment at Kansas City, Mo., alleging that the article had been shipped on or about December 2, 1932, by George L. Fisher, from Superior, Nebr., 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, including eucalyptol, incorporated in petrolatum.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects were false and fraudulent: (Jar label) "Lung Balm Use it for Coughs * * * Catarrh and Croup * * * The Safe Remedy For Babies and Children * * * Lung Balm * * * Affords Quick Relief Prevents Croup and Serious Colds"; (carton) "Lung Balm The Safe Remedy for Babies and Children * * * Use it for Coughs * * * To Relieve Nasal Catarrh * * * For Congested Lungs, Catarrh, * * * Croup * * * Affords Quick relief"; (circular) "Use * * * Lung Balm and Household Ointment For Croup, Whooping Cough, Sore Lungs, Frosted Feet, * * * Bronchitis, Nasal Catarrh, * * * Stiff Neck, * * * Congestions, Tonsillitis, * * * Sore Joints, * * * Inflammations, * * * Lung Balm * * * Affords Quick Relief in Severe Colds, * * * Inflammation of the Lungs. * * * A Remedy Especially Valuable for Babies and Children Used Early, often prevents Severe Inflammations * * * Directions for using * * * Rub freely on the throat and over chest. In severe cases cover chest with warm flannel, placing hot water bottle over flannel. For * * * Nasal Catarrh, Whooping Cough or Asthma, apply in nostrils, melt a little in spoon and inhale."

On June 14, 1933, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21194. Misbranding of Fosfarsinol. U. S. v. One Hundred and Twenty 6-Ounce Packages and Sixty 12-Ounce Packages of Fosfarsinol. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30391. Sample nos. 7880-A, 7881-A.)

This case involved a drug preparation, known as Fosfarsinol, which was being offered for sale and sold in Puerto Rico. Examination showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the circulars and on the carton labels of a portion.

On May 9, 1933, the United States attorney for the District of Puerto Rico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one hundred and twenty 6-ounce packages and sixty 12-ounce packages of Fosfarsinol, alleging that the article was in possession of J. M. Blanco, Inc., at San Juan, P.R., and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Fosfarsinol * * * The American Tropical Remedy Co. San Juan, Porto Rico."

Analysis of a sample of the article by this Department showed that it consisted essentially of arsenic, strychnine, calcium and phosphorus compounds, extracts of plant drugs including wild cherry, alcohol, sugar, glycerin, and water.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the labeling of the article, were false and fraudulent: (Circular, both sizes)

"Reconstituent of the Brain and Nerves, a real food for the nerve cells, which it nourishes * * * repairs the organic waste acting as an energetic vitalizing * * * agent for all the tissues. * * * The scientific investigations carried on long ago in the field of biological chemistry by the wise professors Dujardin Beaumetz, Bunge and others proved without any doubt that the mineral elements used in the process of nutrition when they are prescribed in their pure mineral form are not absorbed, and therefore, the organism cannot make use of them. Dujardin Beaumetz called the attention to this important fact in connection with the administration of phosphates that in those early days were prescribed in a rutinary [routine] way. This treatment must have been useless due to the lack of assimilation of the mineral phosphates, as we have indicated. Bunge has proven that the mineral substances that take part in the organic synthesis cannot be used by the human organism unless they assume an organic form; that is, unless they have been previously prepared by a living organism. From this point of view, the glycerophosphates offer many advantages. Their chemical composition are perfectly defined, and contain the same as the natural phosphates, phosphorus in an organic form, therefore, being completely assimilable and absorbed by the organism. They are therefore, the real cellular nutrients, exercising a stimulant and vitalizing action over the tissues; but especially over the nervous and osseous systems. This property, because of the easy way in which they are absorbed and used, and because of the complete absence of all toxic and noxious action when they are pure, explain and justify the success that always accompany the use of these products. Arrhenal (disodic methylarsenate) is a therapeutic agent of great importance. It stimulates and regulates the metabolism in a notable manner. All the arsenical derivatives, more or less possess in common this property; but arrhenal possesses the valuable advantage that its therapeutic action is not followed by a toxic tendency, as it happens with the mineral compounds of arsenic, and even in certain cases, with sodium cacodylate when it is administered by the mouth. In the therapeutic indications of pretuberculosis, when the index of organic mineralization has diminished in a notable manner, and when the tissues are exhausted and lacking vitality, therefore, their defensive powers being weak and exposed to be annulled by the invasion of *Bacillus Koch*, arrhenal has proven to be the therapeutic agent of more confidence to the physician. Even in certain cases of moderately advanced tuberculosis, according to the testimonies of Doctors A. Robin and A. Gautier of France, the appetite and strength reappear, sleep turns out normal, diminishes the cough and nocturnal dyspnea, and increases the weight of the patient. Strychnine is the most powerful tonic of the vegetable kingdom. Its stimulant action over the nervous system has been compared by numerous clinics with that obtained with the galvanic current. It is a great stimulant of the circulation and breathing, extensively used in the functional diseases of the nerves, in atonic dyspepsia, functional paralysis, impotency, muscular atrophy, tissue relaxation, amaurosis, asthenia, etc. The combined therapeutic action of these powerful medicinal agents that occupy first place in the *Materia Medica*, is what we here present to the medical profession in the form of an agreeable elixir under the name of Fosfarsinol. Fosfarsinol is, therefore, a powerful tonic and general vitalizing agent that acts by stimulating the cellular metabolism. Stops and repairs the organic waste, tonifying all the tissues of the organism; but with special action over the osseous and nervous systems. Fosfarsinol is therefore, indicated in all forms of Neurasthenia, Pretuberculosis, Osteomacia, Rickets, Hysteria, Epilepsy, Impotency, Premature old age, and in all such diseases that are due to a weak or exhaustive condition of the nerves and brain"; (carton, large size only) "For the brain and nerves, a real food for the nerve cells which it nourishes. * * * Repairs and stops the organic waste, acting as an energetic reconstituent of the cells. Its use is indicated in the diverse forms of Neurasthenia, caused by intense dismineralization, in Neuroanemia, Phosphaturia, Diabetes, Epilepsy, Hysteria, Rickets, Sexual Debility (Impotency), Osteomalacia, Premature Breakdown and in all cases of General Debility. * * * reconstituent for the brain and nerves."

On June 12, 1933, 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.

M. L. WILSON, *Acting Secretary of Agriculture.*