

27724. Misbranding of Bering Ear Oil. U. S. v. 37 Bottles of Bering Ear Oil. Default decree of condemnation and destruction. (F. & D. No. 39713. Sample No. 15167-C.)

The labeling of this product bore false and fraudulent representations regarding its curative or therapeutic effects.

On June 16, 1937, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 37 bottles of Bering Ear Oil at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 18, 1936, by Heide & Sons from Stillwater, Minn., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Bering Ear Oil * * * Heide & Sons St. Paul, Minn."

Analyses showed that the article consisted essentially of a saponifiable oil, such as fish oil, and a small amount of methyl salicylate.

It was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects were false and fraudulent: (Bottle label) "Have You? 1. Defective Hearing? 2. Buzzy and Noisy Ears? * * * 4. Difficulty with Ears after swimming? * * * 6. Painful and aching Ears?"; (carton label) " * * * Relief for 1. Defective Hearing. 2. Buzzy and noisy ears. * * * 4. Difficulty with ears after swimming. * * * 6. Earache. * * * Bering Ear Oil is not sold as a Cure-All for deafness, although it sometimes helps the hearing. * * * For Acute Earache in Adults or Children * * * Ears get stiff, itchy and hard and so lack pliability—Likewise get dull and noisy"; (circular) "Have You? 1. Diminished hearing? 2. Buzzy and noisy ears? * * * 4. Difficulty with ears after swimming? * * * 6. Earache? Then, use Bering Ear Oil! * * * is a great comfort and aid to those with the troubles mentioned. * * * Ears get dry, hard, stiff, itchy, dull and noisy. Use Bering Ear Oil and note the difference. * * * for ear ache. Bering Ear Oil is very useful to relieve the pain of children and adults—acute ear aches."

On July 14, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

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

27725. Misbranding of Dr. Isaac's Big Jim and Dr. Isaac's Big Jim Healing Fluid. U. S. v. 15 Bottles of Dr. Isaac's Big Jim, et al. Default decree of condemnation and destruction. (F. & D. Nos. 39717, 39718. Sample No. 22744-C.)

The labeling of these products contained false and fraudulent representations regarding their curative or therapeutic effects.

On June 17, 1937, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 packages, each containing a large bottle of Doctor Isaac's Big Jim and a small bottle of Doctor Isaac's Big Jim Healing Liquid, at Valdosta, Ga., alleging that the articles had been shipped in interstate commerce on or about March 26, 1937, by the Tampa Drug Co. from Tampa, Fla., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the Big Jim consisted essentially of potassium iodide (52 grains per fluid ounce), alcohol, water, and extracts of plant drugs; and that the Big Jim Healing Liquid consisted essentially of mercuric chloride (approximately 6 percent) dissolved in water.

The articles were alleged to be misbranded in that the following statements in the labeling, regarding their curative or therapeutic effects, were false and fraudulent: (Doctor Isaac's Big Jim, bottle) "For Impure Blood, For Boils, Sores, Eruptions, &c. * * * After the symptoms have disappeared continue the use of 'Big Jim', in half doses for a few months"; (carton) "For Impure Blood For Rheumatism For Boils, Sores, Eruptions, &c. &c."; (Dr. Isaac's Big Jim Healing Liquid, bottle) "Healing Liquid * * * Saturate the piece of cotton with the liquid and apply to 'Sore' twice daily. Wash the parts affected at least once a day with soap and water so as to keep same in healthy * * * condition."

On July 31, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

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