

4124. Misbranding of "Ballard's Wonderful Golden Oil." U. S. * * * v. Isaac A. Ballard * * * (Ballard Golden Oil Co.). Plea of nolo contendere. Fine, \$10. (F. & D. No. 6050. I. S. No. 8069-e.)

On June 23, 1915, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Isaac A. Ballard, trading under the name of the Ballard Golden Oil Co., Oldtown, Me., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about March 29, 1913, from the State of Maine into the State of Massachusetts, of a quantity of "Ballard's Wonderful Golden Oil" which was misbranded. The article was labeled: (On wrapper) "Ballard's Wonderful Golden Oil Free from Opiates and Alcohol For Internal and External Use Guaranteed under the Food and Drugs Act, June 30, 1906. No. 8845. Beware of Imitations. Price 50 Cents. Be sure that you get Ballard's Manufactured only by Ballard Golden Oil Co. Old Town, Me." (On sides of wrapper) "Ballard's Wonderful Golden Oil Has been on the market for many years, and has never failed to give perfect satisfaction. An "old stand-by" in homes, shops, factories and with lumbermen. The most economical. The kind that cures. Physicians rely on it, Mothers depend on it, and thousands praise it. So great is our faith in its marvelous power to cure that we cheerfully refund your money if it does not do all we claim. Directions inside. Ballard's Wonderful Golden Oil An ever reliable Remedy for Coughs, Colds, Croup, Asthma, Hoarseness, Sore Throat, Pneumonia, Bronchitis, Colic, Catarrh, Salt Rheum, Cholera Morbus, Rheumatism, La Grippe, Sciatica, Lamé Back, Chilblains, Frost Bites, Burns, Fresh Wounds, Sprains, Neuralgia, Old Sores, Erysipelas, Bruises, Whooping Cough, and it cures all Throat and Lung Diseases. On sugar pleasant to take. Directions inside." (On bottle) "Ballard's Golden Oil Free from Opiates and Alcohol Prepared by the Ballard Golden Oil Co. Old Town, Maine Beware of Imitations Price 50 Cts. Be sure that you get Ballard's Guaranteed under the Food and Drug Act, June 30, 1906. No. 8845. Directions:—Adults, For Coughs, Colds, Asthma, Bronchitis, Throat and Lung diseases, Colic and Cholera Morbus, one-half to one teaspoonful every hour until cured. Bathe same with Golden Oil. Consumption should be treated regularly with such quantity as will be found adapted to the system. It will stop the coughing and prevent further destruction of diseased lungs. For Catarrh, bathe over the eyes, snuff up each side of the nose twice a day; dose internal, twice a day. Dose for children, 10 to 20 drops according to age. For Croup, every half hour. Every hour for Colds, Coughs, Sore Throat and Lung troubles. Diminish the number of doses after the disease has yielded to the above treatment. For all external pains, heat the parts, rub in Golden Oil thoroughly, and give one-half to one teaspoonful twice a day. On sugar pleasant to take. Golden Oil is the best known remedy for La Grippe. It is a great Remedy for Internal and External Use. Nature's Great Remedy for Mankind. For Coughs, Colds, Croup, Asthma, Hoarseness, Sore Throat, Diphtheria, Pneumonia, Bronchitis, Colic, Catarrh, Salt Rheum, Cholera Morbus, Rheumatism, Sciatica, Lamé Back, Chilblains, Frost Bites, Burns, Fresh Wounds, Sprains, Neuralgia, Old Sores, Erysipelas, Bruises, Whooping Cough and all Throat and Lung Diseases. The circular or pamphlet, accompanying the product, contained, among other things, the following statements: (On circular) "Here is a banisher of inflammation that works swiftly and surely. If the oil is taken internally its soothing qualities make themselves felt instantly, and health soon takes the place of disorder and distress or if applied on the outside the Oil quickly works its way into the source of the inflammation and sets things to right in short order." "Ballard's Wonderful

Golden Oil is a splendid remedy for pneumonia. When taken promptly according to directions, it can and has checked many cases of pneumonia before they have had a chance to develop serious phases, yet even when the disease has gotten firm root in the lungs it can be thrown off and the lungs entirely healed." "For Consumption. Ballard's Golden Oil acts as a prompt check to the progress of the germ growth and action, relieves the congestion, and promotes a healing of all the affected tissues."

Examination of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Oil of peppermint (per cent by volume)-----	2.9
Methyl salicylate (grams per 100 cc)-----	0.95
Linseed oil by difference (per cent)-----	96.15
Alkaloids (grams per 100 cc)-----	0.0023
Veratrine: Present.	

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, (On wrapper) "Ballard's Wonderful Golden Oil * * * The kind that cures * * * Ballard's Wonderful Golden Oil An ever reliable Remedy for Coughs * * * Croup, Asthma, Hoarseness, Sore Throat, Pneumonia, Bronchitis, Colic, Catarrh, Salt Rheum, Cholera Morbus, Rheumatism, La Grippe, Sciatica, Lamé Back * * * Neuralgia, Old Sores, Erysipelas * * * Whooping Cough, and it cures all Throat and Lung Diseases," (On bottle) "Ballard's Golden Oil * * * for Coughs * * * Asthma, Bronchitis, Throat and Lung Diseases, Colic and Cholera Morbus One-half to one teaspoonful every hour until cured * * * Consumption should be treated regularly with such quantity as will be found adapted to the system. It will stop the coughing and prevent further destruction of diseased lungs * * * Golden Oil * * * remedy for La Grippe. It is a great Remedy for Internal and External Use. Nature's Great Remedy for Mankind. For Coughs * * * Croup, Asthma, Hoarseness, Sore Throat, Diphtheria, Pneumonia, Bronchitis * * * Catarrh, Salt Rheum, Cholera Morbus, Rheumatism, Sciatica, Lamé Back * * * Neuralgia, Old Sores, Erysipelas, * * * Whooping Cough, and all Throat and Lung Diseases," were false and fraudulent in this, that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was in whole or in part composed of, or contained, ingredients or medicinal agents effective, among other things, as a reliable remedy for croup, asthma, pneumonia, bronchitis, catarrh, salt rheum, cholera morbus, rheumatism, grippe, sciatica, erysipelas, whooping cough, and all throat and lung diseases, and effective in the treatment of consumption, stopping the cough and preventing further destruction of diseased lungs, and effective as a remedy for diphtheria; when, in truth and in fact, said article was not in whole or in part composed of, and did not contain, ingredients or medicinal agents effective, among other things, as a remedy for croup, asthma, pneumonia, bronchitis, catarrh, salt rheum, cholera morbus, rheumatism, grippe, sciatica, erysipelas, whooping cough, or all diseases of the throat or lungs, or effective in the treatment of consumption or for stopping the cough or preventing further destruction of diseased lungs, or effective as a remedy for diphtheria. Misbranding was alleged for the further reason that the following statements regarding the therapeutic or curative effects of the article, included in the circular or pamphlet aforesaid, to wit, "Ballard's Wonderful Golden Oil is a splendid remedy for pneumonia.

When taken promptly according to directions, it can and has checked many cases of pneumonia before they have had a chance to develop serious phases, yet even when the disease has gotten firm root in the lungs it can be thrown off and the lungs entirely healed," "For Consumption. Ballard's Golden Oil acts as a prompt check to the progress of the germ growth and action, relieves the congestion, and promotes a healing of all the affected tissues," were false and fraudulent in that, by means of the said circular or pamphlet, they were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was in whole or in part composed of, or contained, ingredients or medicinal agents effective, among other things, as a remedy for pneumonia when taken according to directions, and effective in the treatment of consumption and for checking the progress of the germ growth and action in the said disease, when, in truth and in fact, said article was not in whole or in part composed of, and did not contain, ingredients or medicinal agents effective, among other things, as a remedy for pneumonia when taken according to directions or when taken in any other manner, or effective in the treatment of consumption, or for checking the progress of the germ growth or action in the said disease.

On July 3, 1915, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$10.

CARL VROOMAN, *Acting Secretary of Agriculture.*