

**4393 Misbranding of "Gem Balsam." U. S. \* \* \* v. Lavinia A. Marsh, trading as E. Morgan & Sons. Plea of nolo contendere. Fine, \$20. (F. & D. No. 6141. I. S. No. 8062-e.)**

On June 30, 1915, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Lavinia A. Marsh, trading as E. Morgan & Sons, Providence, R. I., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about March 31, 1913, from the State of Rhode Island into the State of Massachusetts, of a quantity of "Gem Balsam," which was misbranded. The article was labeled: (On bottle) "Gem Balsam Trade mark Directions: For Coughs, Colds, Hoarseness, Asthma, Croup, Diphtheria, Bronchitis and Whooping Cough, use from one-half to one teaspoonful (according to age) several times a day, Bathing the Throat and Lungs thoroughly with the Balsam until relieved. For Catarrh, inhale the Balsam night and morning. For rheumatism, Burns, Scalds, Cuts, Earache, Local Inflammation, White Swelling, Deep Seated Pains, Frozen Limbs, Inflammation of the Eyes, Chilblains, Piles, Corns, Bruises, Sore Nipples, Bites of all kinds and all External Complaints, bathe the parts affected freely until relieved. For further directions see directions on circular. Guaranteed by E. Morgan & Sons under the Food and Drugs Act, June 30, 1906 Serial Number 601 Prepared and put up by E. Morgan & Sons, Sole Proprietors. (Successors to G. E. Miller & Co.) Providence, R. I., U. S. A. Price 10 Cents." (On wrapper) "Serial No. 601. Guaranteed by E. Morgan & Sons, under the Food and Drugs Act, June 30, 1906. Gem Balsam Trade Mark Relieves Coughs, Colds, Croup, Sore Throat, Canker in Mouth, and Diphtheria. Used externally for Burns, Scalds, Frozen Limbs, Wounds of all kinds, Sprains, Pains in the Back, Sides or Shoulders, Piles, Corns, Chilblains, Chapped Hands, Stiff Neck, Ague in the Face or Breast, Earache, Deafness, Poisoning, Inflammation of the Eyes, Rheumatism, and allays any Irritation of the skin. Prepared and put up by E. Morgan & Sons, Sole Proprietors (Successors to G. E. Miller & Co.) Providence, R. I., U. S. A. Price 10 Cents. Directions. For Coughs, Colds, Hoarseness, Bronchitis.—Take a teaspoonful several times a day, bathing the throat and lungs thoroughly with the balsam until relieved. For Catarrh.—Inhale the Balsam night and morning. For Whooping Cough.—Give half a teaspoonful once in two or four hours. For Croup.—Give from half to a teaspoonful as often as every fifteen minutes, bathing the throat thoroughly until relieved. For Diphtheria.—Take a teaspoonful internally every half hour, at the same time take a fine cloth saturated with the balsam, heated hot, and apply it to the throat; continue the above directions until a cure is performed. For Dysentery or Cholera Morbus.—Take half a teaspoonful once in thirty minutes to one hour. In very severe cases take a teaspoonful, more or less, according to age. When taken internally, mix with sugar. For External Complaints.—Bathe the parts affected freely many times each day until relieved. For Rheumatism, Erysipelas and poisoning.—Bathe with the balsam as often as the surface is dry. For burns and Scalds.—Apply the balsam immediately. For Cuts, Wounds and Bruises.—Use the balsam freely. For Earache.—Drop a few drops in the ear. For Local Inflammation.—Bathe thoroughly a number of times each day. For Deep-seated Pains, Stiff Joints and Neck.—Apply the balsam heated hot and rub the parts affected thoroughly. For Inflammation of the Eyes.—Bathe the outside of the eyelid. For Chilblains.—Bathe with the balsam morning and evening. For Piles.—Apply externally, and if necessary use syringe, or otherwise internally. For corns.—Pare the corn and cover with buckskin

saturated with balsam. For Sore Nipples.—Bathe freely. Directions” (In foreign language).

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Oil of turpentine (per cent by volume)_____	15
Fixed oil (cottonseed) (per cent)_____	85

Ash: None.

Alkaloids, alcohol, and methyl salicylate: Absent.

Product is a mixture of cottonseed oil and turpentine.

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 bottle) “Gem Balsam \* \* \* For \* \* \* Asthma, Croup, Diphtheria, Bronchitis and Whooping Cough, use one-half to one teaspoonful \* \* \* Bathing the Throat and Lungs thoroughly with the Balsam until relieved. For Catarrh, inhale the Balsam night and morning. For Rheumatism, Burns, Scalds, \* \* \* White Swelling, \* \* \* Inflammation of the Eyes, \* \* \* Piles, \* \* \* bathe the parts freely until relieved.” (On wrapper) “\* \* \* Gem Balsam \* \* \* Relieves \* \* \* Croup, \* \* \* Diphtheria. Used externally for Burns, Scalds, \* \* \* Piles, \* \* \* Inflammation of the Eyes, Rheumatism \* \* \* For Diphtheria.—Take a teaspoonful internally every half hour, at the same time take a fine cloth saturated with the balsam, heated hot, and apply it to the throat; continue the above directions until a cure is performed,” were false and fraudulent in 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, for the relief of asthma, croup, diphtheria, whooping cough, catarrh, rheumatism, white swelling, inflammation of the eyes, and piles, and for the cure of diphtheria, when, in truth and in fact, it was not, in whole or in part, so composed, and did not contain such ingredients or medicinal agents.

On January 28, 1916, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$20.

C. F. MARVIN, *Acting Secretary of Agriculture.*