

4400. Misbranding of "Renne's Pain Killing Oil." U. S. * * * v. James F. Ballard, trading as Dr. Herrick Family Medicine Co. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 6177. I. S. No. 387-e.)

On July 2, 1915, 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 said district an information against James F. Ballard, trading as Dr. Herrick Family Medicine Co., St. Louis, Mo., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about January 14, 1913, from the State of Missouri into the State of Illinois, of a quantity of "Renne's Pain Killing Oil," which was misbranded. The article was labeled: (On bottle) "It works like a charm. Renne's Pain-Killing Oil. 79½% alcohol. Trade Mark. Clean, Safe and Reliable to use internally and externally. For Directions see Inside circular. Dr. Herricks Family Medicine Co. James F. Ballard, Prop., St. Louis, Mo. Trial Size. Price 25 Cents. General Directions for using Renne's Pain-Killing oil. Internally—Use according to age of patient and severity of the case, from eight drops to a tablespoonful in sweetened water for Colic, Cholera Morbus, Cramps, and Pain in the Stomach, Cholera, Coughs, Colds, Croup, Sore Throat, Dyspepsia, Diarrhoea, Fever and Ague, Kidney Difficulty, Pleurisy, Indigestion, Sea Sickness, Headache, and similar ills. Externally—Bathe the parts freely, rub in smartly with the hand, taking a few drops of the "Oil" internally at the same time. Use it for Rheumatism, Neuralgia, Sprains, Lameness, Sciatica, Stiff Joints, Swelled Joints, Bruises, Rusty Nail Wounds, Stings, Bites, Toothache, Earache, Headache, Catarrh, Frost Bites, and all similar complaints. Used outward or inward, it never does harm. As sure as you're faithful. 'It works like a charm.'" (Blown in bottle) "Renne's Pain-Killing Magic Oil." (On carton) "It works like a charm. Trade Mark Registered. Use Renne's Pain-Killing Oil. 79½% alcohol. Dr. Herrick's Family Medicine Co., James F. Ballard, Proprietor. 502 N. Second St., St. Louis, Mo. Removed from New York, June 1st, 1906. Directions inside. Clean, Safe, and Delicious to use. Promptly Relieves Pain and Inflammation for Internal and External use. Dose 15 to 30 drops in half glass of water or milk. Renne's Pain-Killing Oil. Price 25 Cents. Renne's Pain-Killing Oil. Neither oily nor sticky. For Rheumatism, Neuralgia, Diphtheria, Colds, Croup, Sore Throat, Pleurisy, Indigestion, Colic, Cholera Morbus, Stomach Ache and Pains and Aches of all kinds. Used with unvarying success over 70 years. Put up in three sizes, 25c., 50c., and \$1.00 per bottle. This preparation is widely known as Renne's Pain-Killing Magic Oil. There is no magic about it, however. Its powerful pain relieving influence being derived solely from its excellent medicinal ingredients. Therefore its name has been shortened to make it more descriptive of its curative effect. Prepared by Dr. Herrick Family Medicine Co. James F. Ballard, Prop., Removed from New York to St. Louis, Mo., June 1st, 1906. Renne's Pain-Killing Oil for internal and external use. Trial price 25 cents. Serial No. 664. Guaranteed by James F. Ballard, under the Food and Drugs Act, June 30, 1906."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was essentially a hydroalcoholic solution of sassafras oil and capsicum, containing 78.6 per cent by volume of alcohol and 4 per cent of volatile oils; a little mustard oil and soap indicated.

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 labels aforesaid, to wit, (On bottle) "It works like a charm. Renne's Pain-Killing Oil. * * * Clean, Safe and Reliable to use internally and externally. * * * Internally—Use * * * for * * *

Cholera Morbus, * * * Cholera, * * * Croup, * * * Fever and Ague, * * * Pleurisy, * * * Externally—Bathe the parts freely, rub in smartly with the hand, taking a few drops of the 'Oil' internally at the same time. Use it for Rheumatism, * * * Sciatica, * * * Catarrh * * *." (On carton) "* * * Promptly relieves pain and inflammation for Internal and External Use * * * Renne's Pain-Killing Oil * * * for Rheumatism, * * * Diphtheria, * * * Croup, * * * Pleurisy, * * * Cholera Morbus, * * * Used with unvarying success over 70 years," were false and fraudulent in that the same were applied to the 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 cholera morbus, cholera, croup, fever and ague, pleurisy, rheumatism, sciatica, catarrh, and diphtheria, and effective for promptly relieving pain and inflammation in said diseases when used internally or externally, 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 November 2, 1915, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

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