

4617. Misbranding of "Humphrey's Curative Marvel." U. S. * * * v. 48
Cases "Humphrey's Curative Marvel." Consent decree of con-
demnation and forfeiture. Product ordered released on bond.
 (F. & D. No. 6955. I. S. No. 3329-1. S. No. E-418.)

On or about October 24, 1915, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 48 cases, 18 of which contained 4 dozen bottles, and the remaining 30 of which contained 2 dozen bottles each, of "Humphrey's Curative Marvel," remaining unsold in the original unbroken packages in the possession of Gonzalez Padin Co. (Inc.), a corporation of San Juan, Porto Rico, alleging that the article had been shipped, on or about October 2, 1915, and transported from the State of New York into the Island of Porto Rico, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in Spanish, of which the following is a correct translation: (Front label of carton) "Curative Marvel of Humphrey's Hydrolate of Hamamelis Virginica. 15% Alcohol by volume." (Back label of carton) "Useful in the domestic circle—in the stable—in factories—in shops—in ships—has no rival. Only infallible remedy for piles. As an article of the toilet, for shaving, for the bath, for excoriations and roughness of the face and hands, has no equal." (Left side label) "Cures piles, internal or external, simple or bloody—nasal hemorrhages, and those of the gums—pulmonary hemorrhages—spitting of blood—vomiting of blood—catarrh—leucorrhœa—kidney trouble—calculi and strangury—callous excrescences at the roots of the nails—ulcers, tumors—sores—bites of mosquitos and insects—corns—chilblains—bruised feet." (Right side label) "Cures all lesions—falls—blows—bruises—contusions—twists—wounds—lacerations—burns or scalds—sunburns—red spots—excoriations—abscesses—swellings—pains in the back teeth—pains in the face—neuralgia—rheumatic pains—numbness—sore throat or quinsy—flayed nipples—inflammation of the chests—internal ulcerations—varicose veins." (Label on bottle) "Humphrey's Curative Marvel—for lesions, wounds, contusions, burns, scalds, piles, hemorrhages, toothache and pain in the face, neuralgia, rheumatism, ulcers, abscesses, tumors, inflammation of the chests, breasts, diseases of the throat, varices, insect bites, sunburn. Exact Directions. For wounds contusions, lesions. For burns—for piles—for rheumatic swellings, pain or rigidity—for toothache or neuralgia—for internal hemorrhages—for sore throat or quinsy—for inflammation of the chest—for peeling of the nipples—for sunburns, mosquito bites, corns, painful feet, for hoarseness, colds or sore throat." The circular accompanying the article contained (in Spanish) among other things the following (translated into English): "The Curative Marvel is an efficient remedy for lesions or wounds, both for persons and for animals, especially for blows, contusions, sprains, lacerations, cuts, scalds, burns. For these ills and for those which result from them the Curative Marvel works quickly, reanimating the dejected vital action, restoring the local and general circulation, alleviating the pains, dissipating the congestions and holding in and impeding the inflammations. In an infinite number of cases its prompt and opportune application has checked hemorrhagia or flowing of blood, has alleviated the pains, has dissipated the congestions, reduced the inflammation and promoted the cure of lesions and dangerous wounds, for which reason it has been given its name of Curative Marvel." "For fluxes or hemorrhages this remedy is the best styptic remedy, or one restraining the blood, which is known. Its unquestionable power to hold back all hemorrhages is truly marvellous. It calms the force of the circulation and increases the coagulability of the blood, thus it is that its effect is surprising,

whether it is applied interiorly or exteriorly, in all cases in which there is flowing or hemorrhage, whether it comes from wounds or lacerations or from any internal organ of the body or from piles. For nose-bleed * * * Vomiting of blood, hemorrhages of the stomach or intestines: For vomiting of blood there is taken a spoonful of the Marvel each half hour until relieved. For black or bloody evacuations there will be taken a spoonful 4 times a day. For bloody urine there will be taken a spoonful 4 times a day. For flux or hemorrhage of the uterus there will be given a half spoonful, repeating each half hour, if the case is grave. If the menstruation continues for a longer time than ordinarily, or if it be very abundant, take a spoonful 3 times a day." "Millions of cases of piles keeping the patient from his occupation during several years have been bettered permanently with this remedy. Directions: There will simply be taken a spoonful 3 times a day. If they are external they will be washed with the Marvel morning and night or they will be anointed with the Marvelous Ointment. If they are external [internal] there will be injected the Marvel or the Ointment. They will be alleviated promptly and the cure will be certain." "Catarrh: It is one of the best remedies for catarrh. In chronic and obstinate cases using it as an injection in the nostrils has no equal. It can be diluted in equal quantity with water and injected with a nasal syringe or snuffed up, placing a little in the palm of the hand, 2, 3, up to 4 times a day. Wash the secretion and the ulceration, and at times the bad odor will disappear instantly. In all cases of catarrh it may be absorbed through the nostrils or injected." "Ulcerations and leucorrhoea or white flowers: require the same treatment, except the injection, which is the only thing necessary, which consists of 1 part of the Marvel with 3 parts of water, and it is used only 1 or 2 times a day. It is a sovereign remedy. Painful periods of menstruation, with frequency are alleviated like a spell by taking a tablespoonful each hour or two."

Misbranding of the article was alleged in the libel for the reason that the statements contained on the carton and labels of the bottles and in the circular aforesaid, as set out above, were false, fraudulent, and misleading, a chemical analysis of the article showing that it did not contain any ingredients or combination of ingredients capable of producing the claims and therapeutic effect set out upon the carton or in the labels upon the bottles or in the circular, and said article was mislabeled and misbranded as aforesaid so as to deceive and mislead the purchaser or purchasers thereof in that the bottles, containers, and labels of the article contained statements regarding it and the ingredients and substances contained therein which were false, fraudulent, and misleading; that is to say, that said labels on the bottles and cartons and the circulars were so worded as to lead the public to believe that the article was a useful and good medicine and would cure the various ills, diseases, and complaints as set out in the said circulars, receivers, and cartons, whereas, in fact, it was not of a medicinal nature such as would produce any such result and was utterly worthless for that purpose.

On February 14, 1916, the said Gonzalez Padin Co. (Inc.), claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$205, in conformity with section 10 of the act.

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