

4891. Misbranding of "Dr. Bell's Pine Tar Honey." U. S. * * * v. 96 dozen Bottles of "Dr. Bell's Pine Tar Honey." Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6858, 6880. I. S. Nos. 3305-1, 3322-1. S. Nos. E-387, E-398.

On September 15, 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 36 dozen packages, and, on October 5, 1915, an amended libel, for the seizure and condemnation of 96 dozen packages of "Dr. Bell's Pine Tar Honey," each package containing 1 bottle, remaining unsold in the original unbroken packages at Ponce, P. R., alleging that 36 dozen packages of the article had been shipped on or about May 12, 1915, and 60 dozen packages of the article had been shipped on or about July 22, 1915, by R. W. Warner & Co., Philadelphia, Pa., through Gabriel J. Fajardo, acting as forwarding agent, 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: (On carton) "Dr. Bell's Pine Tar Honey," following which and in the center was a bell surrounded by a ring and on the bell were the following words, "Dr. Bell's Pine Tar Honey," and in the ring the following words, "E. E. Southern Medicine Co., Paducah, Ky. Cures Coughs"; beneath said ring were the words "Registered, Cures coughs, colds, croup, whooping cough, and all soreness of the throat, chest and lungs, grip, bronchitis, asthma and incipient consumption, Laboratories, Paducah, Ky., and Mexico," and upon the side were the words "Dr. Bell's Pine Tar Honey is guaranteed to relieve quickly any and all coughs, allay inflammation of the throat, chest, lungs and bronchial tubes. Perfectly harmless. Good for children. Pleasant to the taste." The circular accompanying the article and inside the carton contained the following testimonials and directions, to wit: "I am 89 years old and never used any remedy equal to Dr. Bell's Pine-Tar Honey. It gives quick relief and permanent relief in grippe as well as coughs and colds." "A pleasant and scientific treatment for coughs and colds." "Do not stop the treatment the minute you obtain relief, but continue until all symptoms disappear." "We have two children who have whooping cough; we used Dr. Bell's Pine-Tar Honey and broke it up entirely. * * * Thanking you for your valuable remedy, I beg to remain." "My mother had a cough for five years and some nights she would have to sit up all night. She has taken six 25¢ bottles of Dr. Bell's Pine-Tar Honey and it has cured her." "Hopeless Lung Trouble. I have used Dr. Bell's Pine Tar Honey in a case that had been given up as a hopeless lung trouble, and it affected a complete cure." "Since beginning the use of this remedy I feel better than I have for years and would not be without it." "This remedy is not a narcotic, but takes affect at the seat of disease." "For ordinary coughs and soreness of chest. Adults. take 2 teaspoonfuls four times a day." "For dry, hacking and troublesome coughs, take half teaspoonful every hour until relieved." "For asthma, take 1 teaspoonful every hour until relieved or until four doses have been taken—two to three doses generally relieve the most obstinate case." "For bad colds, adults, take a double dose (or 4 teaspoonfuls) before retiring and two or three doses during the day." "For bronchitis and sore throat, take 1 teaspoonful every two hours during the day and a dose on retiring at night." "For tonsillitis, take 1 teaspoonful every hour." "For La Grippe, take a full dose every four hours during the day and on retiring at night." "For croup and whooping cough, children 6 years old, 1 teaspoonful; 1 to 6 years old, half teaspoonful in a little syrup or molasses every two hours until relieved." "Convalescents from measles and pneumonia should use Dr. Bell's Pine Tar

Honey for the cough that nearly always follows these diseases." Another circular accompanied the article, printed in Spanish, a translation of which, in part, is as follows: "* * * cure coughs, cold and inflammation of the walls of the lungs and bronchial tubes. Reanimates the diseased lung spent and wounded by the cough; cuts off the mucous which the microbes give off; removes the cause of that tickling, and heals the inflamed membranes, softening them so that there is no inclination to cough. * * * a remedy. * * *

It relieves promptly and permanently the cough as well as grip and colds and fortifies weak lungs." "* * * At the beginning of his experiments, the theory of Dr. Bell was that if he managed to discover such a remedy it must be composed of substances absolutely harmless, possessing properties antiseptic for the positive destruction of the microbes, and moreover must contain other medicines necessary to prevent inflammations; which would restore the normal activity in the interior lining of the stomach and in the mucous membranes of the nose, throat, bronchial tubes and lungs. Basing on this theory, it was that Dr. Bell spent thousands of dollars and a long time, managing at length to obtain successfully a prize ten thousand times greater than he had hoped for by the discovery of a perfect pharmaceutical combination which he named Dr. Bell's Pine Tar Honey." "This famous medicine contains two ingredients which were formerly unknown as cough remedies, remedies for the lungs, whooping cough and bronchitis. * * * This great process is so original and scientific that besides keeping for each one of its agents its antiseptic and curative properties, the mixture of them makes them retain their virtues, multiplying their strength * * * there is obtained the only antiseptic for internal use, destroyer of microbes and contagious diseases, the accredited Dr. Bell's Pine Tar Honey." "Dr. Bell's Pine Tar Honey cures cough by attacking that which has caused them. This remedy cuts off the mucous and destroys the microbes of contagious diseases * * * it prevents the inclination to cough." "It acts almost instantly upon cough." "We guarantee that it is better than any other medicine to cure cough, diseases of the throat, chest and lungs." "It relieves inflammation, restores the lungs and strengthens the respiratory organs, giving vigor and vitality to the whole system. It makes the blood duly receive a sufficient amount of oxygen, strengthening it (the blood) at the same time, and protecting the lungs against contagious diseases." "When microbes of consumption arrive * * * if Dr. Bell's Pine Tar Honey is not immediately resorted to, the microbes will slowly but surely infect with their poison all of the parts of the mucous membranes, thus covering the lungs, and making the wound more intense, the inflammation more and more extended and the cough heavier and more painful. The only remedy which should be used in such cases is the great medicine which will kill the microbes and do away with the least molecule of putrid matter. * * * Dr. Bell's Pine Tar Honey is the only composition which truly finishes with the microbes and gives permanent health to all of the mucous membranes of the human body." "A single dose of this accredited remedy * * * will give immediate relief. * * * It cleans and purifies the diseased parts of the human body, the same as soap and water cleans the hands when they are dirty. It cicatrizes and cuts off the flow of pus and mucous; cures the putrefaction and the very bad poison of the microbe, killing and destroying all of the infectious germs. This famous medicine relieves the pains, relieves the irritation and cures all inflammation. It reestablishes all the lost mucous membranes, and cicatrizes all infectious wounds." "Dr. Bell's Pine Tar Honey is the best remedy for cold, cough, grippe and incipient consumption." "Dr. Bell's Pine Tar Honey will not only cure and prevent coughs, catarrh, bronchitis, whooping cough and grippe, but it also gives good color to pale cheeks, nourishing

and restoring the inactive functions. It removes congestion, enriches the blood and creates good flesh. It is health itself * * * its principal work consists in killing the microbes and germs of contagious diseases and in giving the blood its natural supply of oxygen. Both in insignificant coughs and grave diseases of the lungs, the beneficial results of Dr. Bell's Pine Tar Honey are felt from the time that it is first taken." "Dr. Bell's Pine Tar Honey not only kills the microbes of whooping cough, but it also forcibly returns the lost health and strength to the patient." "The inflammation of the sore throat, whooping cough and diseases of this kind disappear. When Dr. Bell's Pine Tar Honey is administered to children for sore throat and whooping cough, these disappear as by enchantment. It makes the accesses and the desperation caused by the sore throat breathing disappear almost instantly. * * * It relieves the weakness in the throat, chest and lungs which is the natural consequences of neglected colds, coughs, inflammation of the throat, whooping cough and grippe." "Microbes of pneumonia. * * * If the microbe of pneumonia is introduced into the mouth and you breathe it into the lungs, and contract a cold, it is almost sure that you will become ill if you do not recur immediately to the use of a medicine which cures not only the cold, but also kills the microbe. Dr. Bell's Pine Tar Honey is the only remedy which would be able to aid you in such cases. It prevents colds and kills the microbes of pneumonia." "Thousands of the doctors of medicine who assure that by using this great remedy, the courses of grave diseases can be turned aside. A dose after supper and another at retiring will almost always cure colds and prevent danger." "Microbes of grip or influenza * * * Dr. Bell's Pine Tar Honey has never been known to fail in curing rapidly, with certainty and permanently grip, influenza, cold and catarrh and is a magnificent specific for asthma and bronchitis." "This remedy is a balsamic cicatrizant and a strong invigorator of the throat, chest and lungs. It will always alleviate that incessant pain and will stop the heavy, noisy asthmatic breathing which precedes. If you have the grip, there is no other remedy on earth which can cure you sooner or better than Dr. Bell's Pine Tar Honey. It will cure you permanently, and the use of it will give strength to your lungs and in general better health than you have enjoyed in your life." "Dr. Bell's Pine Tar Honey is the best remedy for diphtheria. It destroys the microbes antiseptically, and stops the mortal exertion or poisonous mucous; it immediately relieves the inflammation, opens the obstructed parts of the respiratory tracts and revives the patient." "There is nothing better than this remedy for the diseases of the throat, chest and lungs, both for adults and children." "This remedy is most excellent for the cough. It has a curative effect, definite and decided on the center of the centers of the cough whatever may be the case. Dr. Bell's Pine Tar Honey is in the first place the true remedy of nature; a natural remedy. * * * The time is short, from 5 to 30 minutes in all, when its curative effects begin to be noted by the patient. * * * The cough is then much less intense and more satisfactory, since the small bronchial tubes and the cells of the lungs open more rapidly and freely." "It reduces the number of respirations per minute, increasing principally both the force and the time of each inspiration." "It is equally serviceable in acute and chronic bronchitis, asthma, pneumonia, grippe, nervous coughs and pulmonary consumption. 'Pulmonary consumption?' Very certainly. In this disease there is experienced a great relief, and the cough, molestation and irritation are calmed greatly."

Misbranding of the article was alleged in the amended libel for the reason that the statements on the cartons inclosing and circulars accompanying the

articles were false, fraudulent, and misleading, and it was therefore misbranded, a chemical analysis of said article showing that it contained no ingredient that would produce the effect claimed for it in said label or circular, and said article was mislabeled and misbranded so as to deceive and mislead the purchasers thereof, in that the packages and labels thereof bore a statement regarding it and the ingredients and substances contained therein which was false, misleading, and fraudulent, that is to say, the label and circulars were so worded as to lead the public to believe that said article was a useful and good medicine and would cure the various ills, diseases, and complaints as set out in said label and circulars, whereas in fact it was not of a medicinal nature which would produce any such result and was utterly worthless for that purpose.

On December 6, 1915, no claimant having appeared for the product, judgment of condemnation and confiscation was entered, and it was ordered by the court that the article should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*