

**5213. Misbranding of "Dr. O. Phelps Brown's Herbal Ointment." U. S. \* \* \* v. The Kells Co., a corporation. Plea of Guilty. Fine, \$50. (F. & D. No. 7582. I. S. No. 4633-1.)**

On November 28, 1916, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Kells Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on January 4, 1916, from the State of New York into the State of Maryland, of a quantity of an article labeled in part, "Dr. O. Phelps Brown's Herbal Ointment," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that this product consisted essentially of petrolatum and 0.77 per cent of salicylic acid.

It was charged in substance in the information that the article was misbranded for the reason that certain statements, appearing on its label, falsely and fraudulently represented it as a remedy for pulmonary complaints, severe pains in the stomach, spinal diseases, affections of the heart and liver, neuralgia, glandular swellings, sore throat, sharp pains in the chest, croup, pleurisy, quinsy, earache, ear ulcers, sprains, tumors, mumps, white swellings, heart palpitation, scrofula, piles, and fistula, when, in truth and in fact, it was not.

On December 7, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

CARL VROOMAN, *Acting Secretary of Agriculture.*