

SS91. Misbranding of Leonard Ear Oil. U. S. * * * v. 5 Dozen Cartons of Leonard Ear Oil. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 11281. I. S. No. 2996-r. S. No. W-490.)

On September 24, 1919, the United States attorney for the Southern District of California, 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 5 dozen cartons of Leonard Ear Oil, remaining unsold in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by A. O. Leonard, New York, N. Y., on July 28, 1919, and transported from the State of New York into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of a solution of camphor, oil of eucalyptus, and a trace of alkaloidal material in mineral oil.

It was alleged in the libel that the article was misbranded in that certain therapeutic effects claimed for it on the cartons and labels and in the circulars inclosed in each carton, as follows, (cartons) "A Glandular * * * Oil Recommended for the Relief of Deafness, Head Noises, Discharging, Itching, Scaly Ears * * * and Ear Ache * * * Deafness, Head Noises and Ear Troubles," (labels) "Leonard Ear Oil Recommended for Relief of Deafness, Head Noises, Dry, Itching, Aching and Discharging Ears," (circular) "For relief of catarrhal deafness and head noises and other kinds of deafness and ear troubles * * * To relieve deafness * * * Leonard Ear Oil * * * will seldom fail to give relief * * *," (circular containing testimonials) "* * * Glandular * * * Oil for Relief of Deafness, Head Noises and for Relief of Discharging, Itching, Scaly Ears, and Ear Ache * * * has relieved the Deafness and Head Noises of more people than any known remedy. Its success has been phenomenal * * * Ear Troubles * * *," were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On July 20, 1920, A. O. Leonard, New York, N. Y., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

SS92. Misbranding of The Texas Wonder. U. S. * * * v. 6 Dozen Bottles of The Texas Wonder. Judgment by default ordering destruction of the product. (F. & D. No. 11857. I. S. No. 593-r. S. No. E-1915.)

On December 29, 1919, the United States attorney for the Southern District of Florida, 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 6 dozen bottles of The Texas Wonder, at Jacksonville, Fla., consigned by E. W. Hall, St. Louis, Mo., alleging that the article had been shipped on or about December 1, 1919, and transported from the State of Missouri into the State of Florida, and charging misbranding in violation of the Food and Drugs Act.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of copaiba, rhubarb, colchicum, guaiac, turpentine, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the cartons and circulars contained the following statements regarding the curative and therapeutic effect thereof, (carton) "* * * A Remedy for Kidney and Bladder Troubles, Weak and Lame Backs, Rheumatism and Gravel.

Regulates Bladder Trouble in children * * *," (circular) "Read Carefully Special Directions * * * The Texas Wonder Hall's Great Discovery * * * in * * * Gravel and Rheumatic Troubles it should be taken every night in 25-drop doses until relieved * * *," which were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effect claimed.

On January 6, 1921, no claimant having appeared for the property, a decree was entered by the court ordering that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

SS93. Adulteration and misbranding of extracts of vanilla and lemon. U. S. * * * v. 24 1-Quart Bottles of Alleged Extracts of Vanilla and Lemon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11921. I. S. Nos. 626-r, 627-r. S. No. E-1960.)

On or about February 10, 1920, the United States attorney for the Eastern District of North Carolina, 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 24 1-quart bottles (12 1-quart bottles each) of extracts of vanilla and lemon, at Edenton, N. C., alleging that the articles had been shipped by The Twin City Mfg. Co., Norfolk, Va., on or about July 24, 1919, and transported from the State of Virginia into the State of North Carolina, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled in part, respectively, "Extract of Vanilla" (or "Lemon") "Virginia Brand Pure Flavoring Extracts Certified Colors * * * Manufactured by Twin City Mfg. Co., Inc., Norfolk, Virginia."

Adulteration of the articles was alleged in the libel for the reason that they were diluted so as to reduce, lower, and injuriously affect their quality and strength.

Misbranding was alleged in substance for the reason that the above-quoted statements were false and misleading in that they represented that the articles were pure extracts of vanilla or lemon flavoring, when, in truth and in fact, they were not. Misbranding was alleged for the further reason that the articles were food in package form, and the quality [quantity] of the contents thereof was not plainly and conspicuously marked on the outside of the packages.

On April 20, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

SS94. Misbranding of Dr. LeGear's Hog Prescription. U. S. * * * v. 10 Packages, 23 Pails, 2 Cases, and 1 Case of Dr. LeGear's Hog Prescription. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 12065, 11919. I. S. Nos. 16518-r, 16520-r. S. Nos. E-1920, E-1946.)

On or about January 10 and February 9, 1920, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 10 packages, 23 pails (24 pounds each), 2 cases (12 cartons each), and 1 case of sample cartons of Dr. LeGear's Hog Prescription, a portion of which was at New Bern, N. C., and the remainder at Elizabeth City, N. C., alleging that the article had been shipped by the Dr.