

9161. Misbranding of Gray's Invaluable Ointment. U. S. * * * v. 12 Dozen Packages * * * of * * * Gray's Invaluable Ointment. Product released under bond. (F. & D. No. 11237. I. S. No. 9421-r. S. No. C-1455.)

On September 16, 1919, the United States attorney for the Eastern District of Illinois, 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 12 dozen packages, more or less, of Gray's Invaluable Ointment, remaining unsold in the original unbroken packages at Cairo, Ill., consigned by W. F. Gray & Co., Nashville, Tenn., alleging that the article had been shipped on or about August 8, 1919, and transported from the State of Tennessee into the State of Illinois, 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 animal fat, linseed oil, beeswax, lead oxid and acetate, and a trace of turpentine.

It was alleged in substance in the libel that the article was misbranded for the reason that the following statements, appearing on the cartons and in the accompanying circulars, regarding the curative and therapeutic effects of said article, (cartons) "* * * For Burns, Scalds, Rheumatism, Tic-Doloreux, Poisonous Bites of Spiders, * * * or from having come in contact with Poisonous Plants; Broken Breasts, Sore Nipples and Carbuncles, * * * Fistula * * * Injured Spine, Swellings of all kinds, * * * Sore Throat, * * *," (circulars) "For the relief of * * * Ulcers of long or short standing; * * * Scrofulous and other Tumors, including White Swellings, * * * Old or Fresh Wounds, Gunshot Wounds, * * * Swellings and Inflammations of all kinds; Rheumatic and other Pains; * * * Scald Head, Tetter on the head or any other part of the body; * * * Carbuncles, Cancerous Affections, Gangrene, Eruptions of all kinds; * * * Dog, Snake, Spider, and other Poisonous Bites; Broken Breasts, Sore Nipples, * * * Injured Spine; Sore Eyes, Swellings of all kinds; * * * Sore Throat; * * * Pleurisy and pneumonia, * * * Splint, Wind Galls, * * * Fistula, * * * In early stages of Inflammatory Rheumatism and Soreness about the Breast, * * * this Ointment stands unrivalled. * * * in the course of two or three hours, the system is thrown into a gentle perspiration, and all pains or soreness is rapidly removed * * *," were false and fraudulent as the article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed in said statements.

On December 23, 1919, W. F. Gray & Co., Nashville, Tenn., having appeared as claimant of the property, and it appearing to the court that said claimant had prepared an amended circular and advertising matter to be used in lieu of the circular and advertising matter complained of in this action, and said claimant having agreed that the goods would not thereafter be sold or offered for sale contrary to law, State or Federal, and the parties having agreed that the goods might be delivered to said claimant and that the said claimant would remove from the packages and destroy the brands and advertising matter complained of and would insert upon or inside the packages the circular, brands, and advertising matter which had been filed with the Solicitor of this department, and the said claimant company having filed its bond in the sum of \$100, in conformity with section 10 of the act, it was ordered by the court that the product be delivered to said claimant and that the case be finally dismissed upon payment of all the costs of the proceedings by the said claimant.

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