

16359. Misbranding of Owen's oil. U. S. v. 3 Dozen Packages of Owen's Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23476. I. S. No. 05694. S. No. 1677.)

On March 1, 1929, the United States attorney for the Western 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 praying seizure and condemnation of 3 dozen packages of Owen's oil, remaining in the original unbroken packages at Charlotte, N. C., alleging that the article had been shipped by the Carolina Chemical Co., from Union, S. C., on or about February 1, 1929, and transported from the State of South Carolina into the State of North Carolina, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article showed that it consisted essentially of lard oil and some other fatty substance containing a small amount of menthol.

It was alleged in the libel that the article was misbranded in violation of section 8, paragraph 3, of the said act as amended in that the labeling bore the following statements regarding the curative and therapeutic effects of the said article which were false and fraudulent: (Jar label) "For * * * Rheumatic Pain * * * for Swollen Joints, Stiff Joints, Neuralgia, Stiff Neck, Tonsillitis, Bronchial Cough, Pleurisy, Croup, * * * Lumbago, Cramps, Arthritis, * * * Flu, Asthma, Earache, Toothache, Infantile Paralysis * * * Apply 2 or 3 times daily, or more frequently if necessary;" (carton) "For * * * Rheumatic Pain * * * for Rheumatism * * * Apply two or three times daily or more frequently if necessary. * * * Apply Owen's Oil by rubbing until it is absorbed through the skin. * * * for Lumbago, Swollen Joints, Stiff Joints, Neuralgia, Stiff Neck, Tonsillitis, Bronchial Cough, Pleurisy, Croup * * * Flu, Asthma, Toothache, Cramps, Arthritis * * * Earache, Infantile Paralysis;" (circular) "For * * * Tonsillitis, Bronchial Cough, Pleurisy, Croup, Arthritis * * * Flu, Asthma, Earache, Toothache * * * Lumbago, Rheumatism, Stiff Joints, Swollen Joints, Stiff Neck, Neuralgia, Cramps, * * * Infantile Paralysis * * *. Its action is * * * efficient * * * Remarkable in Its Relief of Rheumatism. The excesses of present-day life—overexertion and overeating are causing an increasing number of people every year to suffer from rheumatism. The success of Owen's Oil in driving away rheumatic pain, in reducing inflammation, and restoring the action of creaky joints * * * has been amazing. It literally drives out the cause of pain! When your rheumatism comes on * * * rub in Owen's Oil * * * until it is absorbed through the skin. Do this two or three times a day or more often if necessary. In severe cases it may be necessary to keep up this daily treatment for several weeks * * * Lumbago and Sciatica. These are two varieties of rheumatism—lumbago attacking the muscles of the loins with sharp pains, whereas sciatica is most likely to affect the hips or thighs. Before applying Owen's Oil it is well to massage the painful area thoroughly to aid the action of the ingredients. * * * Owen's Oil sends fresh pure blood to wash out fatigue poisons and rebuild broken-down tissues in such cases. Stiff and Swollen Joints—Stiff Neck. Owen's Oil has such intense penetrating qualities that it affords wonderful relief to sufferers from stiff and swollen joints. Its acts as a lubricant, stimulating the muscles and the joints by drawing away impurities and forcing the flow of fresh, pure blood. Apply it just as directed for rheumatism, massaging gently the joint to aid the action of the medicine. * * * For every sort of muscular pain, Owen's Oil affords marvelous results. * * * It is invaluable in relieving cramps * * * for Flu, Tonsillitis, and Bronchial Cough * * * in thinking of it as a remedy for * * * flu, tonsillitis, and bronchial coughs, it must be remembered that all of these troubles are caused by one thing—congestion. Normal circulation must be restored—purified blood sent to the affected areas—and the congestion eliminated before relief can be secured. Owen's Oil is applied externally to the chest and throat and its vapors are inhaled * * * after Owen's Oil has been rubbed in, will greatly aid its action and speed up recovery. * * * Among the many other ailments for which Owen's Oil has proven effective are Neuralgia, Asthma, Arthritis, Pleurisy, Earache, and Toothache. * * * A prompt application of Owen's Oil * * * invariably restores the natural curative action of the body and clears up the trouble. Owen's Oil also affords prompt relief from female pains. * * * One of the most marvelous results of Owen's Oil is in the many cases where it has aided

recovery from infantile paralysis * * * this simple remedy has brought such results. * * * [testimonials] My daughter suffered with rheumatism * * * She tried Owen's Oil and she did not use one jar until she was able to work. For Rheumatism—the Best Remedy We Ever Found. * * * my wife and I have used it for rheumatism. * * * My knees were very badly sprained * * * I decided to use Owen's Oil * * * I was relieved of all pain. * * * One Application Relieved Tonsillitis. I have been bothered with my tonsils for several years. After one application with Owen's Oil, it gave me relief, and now my tonsils feel completely well. * * * Used one Jar * * * Pain Has Not Returned. I had rheumatism in my right knee. It was swollen about twice the size of the other knee, pained me day and night * * * I used one jar of Owen's Oil * * * it cured me sound and well and the pain has not returned. * * * A Neuralgia Sufferer Writes. I have used one jar of your Owen's Oil and I have been greatly benefited by it. * * * I had rheumatism in my wrist and fingers, could not bend my wrist and could only bend one of my fingers * * * I gave Owen's Oil a trial * * * it got my wrist and fingers well. Now I can bend my wrists and fingers as I please. * * * Paralysis Relieved. I have suffered about ten weeks from paralysis. I tried two jars of Owen's Oil and got wonderful relief. * * * Couldn't Walk. * * * Owen's Aided Quick Recovery. I have high blood pressure and am paralyzed in my right side. Couldn't walk * * * I got a jar of * * * Owen's Oil and used it, and now I can walk fine. * * * Helped a Chronic Case of Sciatica. I have a chronic case of sciatica in my leg and foot * * * Owen's Oil does relieve * * *. After Six Weeks of Pain, Owen's Oil Brought Recovery—My brother-in-law * * * fell and hurt his back. * * * He could not move without pain. * * * I knew the wonderful results Owen's Oil had given * * * and mailed him a jar which he used and got immediate relief. He is now well."

On May 23, 1929, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16360. Misbranding of Fluco. U. S. v. 20 Dozen Packages of Fluco. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23378. I. S. No. 05687. S. No. 1544.)

On or about February 12, 1929, 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 praying seizure and condemnation of 20 dozen packages of Fluco, remaining in the original unbroken packages at Raleigh, N. C., alleging that the article had been shipped by the Fluco Laboratories (Inc.), during the month of January, 1929, from Greenville, S. C., and had been transported from the State of South Carolina into the State of North Carolina, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it contained acetanilide (15 grains per fluid ounce), ammonium carbonate, wild cherry, camphor, benzoic acid, glycerin, sugar, and alcohol.

It was alleged in the libel that the article was misbranded in that the statements on the label, "Fluco * * * Fluco Laboratories, Inc.," conveyed and were intended to convey to the purchaser the impression and belief that the article was a compound for the treatment of influenza and signified and imported that as such a compound it was efficacious in the treatment of influenza, whereas the article contained no ingredient or combination of ingredients capable of producing such effect, and in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof and create in the minds of such purchasers the impression and belief that the said article was in whole or in part composed of or contained ingredients or medicinal agents effective in the treatment of influenza.

On May 9, 1929, 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.

R. W. DUNLAP, *Acting Secretary of Agriculture.*