

the State of Mississippi, 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 consisted essentially of an ointment with a petrolatum and paraffin base containing camphor and peppermint oil.

The article was labeled in part: (Jar top) "Relieves all pain for Croup, La Grippe, Pneumonia;" (label) "For Croup, Coughs, \* \* \* Asthma and Sore Throat \* \* \* For Piles \* \* \* For Toothache, \* \* \* Rub freely for any pain \* \* \* Croup \* \* \* Catarrh \* \* \* For Dry Catarrh."

It was alleged in substance in the libel that the article was misbranded in that the labeling bore statements representing that it was indicated or recommended in case of croup, la grippe, pneumonia, coughs, asthma and sore throat, catarrh, and piles, which statements were false and fraudulent in that the said article did not have the curative or therapeutic value or effects stated on the labels.

On November 14, 1930, an order was entered by the court amending the libel to cover the 253 boxes of the product that had been seized, and further ordering that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17838. Misbranding of Caliente oil. U. S. v. 16 Dozen Bottles of Caliente Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24904. I. S. No. 023792. S. No. 3225.)**

Examination of samples of a drug product, known as Caliente oil, from the herein-described interstate shipment having shown that the labels bore claims of curative and therapeutic properties that the article did not possess, and that the article contained more alcohol than declared on the carton label, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Mexico.

On July 19, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 16 dozen bottles of Caliente oil, remaining unsold in the original packages at Las Vegas, N. Mex., alleging that the article had been shipped by the International Drug Sales Co., Denver, Colo., on or about March 15, 1930, and had been transported from the State of Colorado into the State of New Mexico, 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 consisted essentially of methyl salicylate, camphor, extracts of plant drugs including capsicum, chloroform (13 minims per fluid ounce), alcohol (47 per cent), and water.

It was alleged in the libel that the article was misbranded in that the cartons were labeled, "Containing not over 40% alcohol," which was false and misleading, since the article contained 47 per cent of alcohol. Misbranding was alleged for the further reason that the bottle label did not contain a declaration of the true alcohol content, and the declaration (on carton) was not plain and conspicuous and was not correct. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing on the carton and in the accompanying circular, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Coughs \* \* \* LaGrippe, Influenza, Catarrh, Bronchitis, Croup, Colic, Diarrhoea, Dysentery, Cholera Morbus, Cramps in Stomach, Sore Throat, Dizziness, Dyspepsia, Indigestion, \* \* \* Fever, Ague, Toothache, \* \* \* Earache \* \* \* Chilblains, \* \* \* Backache, Rheumatism, Piles, Itch, Eczema, Skin Disease, Neuralgia, Bites and stings of poisonous insects and reptiles;" (circular) "Internal and external remedy for all aches and pains of the body. \* \* \* Directions, \* \* \* For Colic, Diarrhoea, Dysentery, Cholera, Cramps, Pains in Stomach \* \* \* Headache, Backache, Neuralgia \* \* \* Rheumatism \* \* \* Indigestion, Dyspepsia, \* \* \* Coughs, Colds, La Grippe, Influenza \* \* \* Croup \* \* \* Bronchitis, Sore Throat \* \* \* Itch, Eczema, Skin Diseases \* \* \* Piles \* \* \* Catarrh \* \* \* Toothache \* \* \* Fever and Ague \* \* \* Earache \* \* \* Bites, Stings of Poisonous Insects and Reptiles." (Similar statements in Spanish.)

On December 1, 1930, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*