

**17850. Misbranding of Bering ear oil. U. S. v. 91 Bottles of Bering Ear Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25068. I. S. No. 7576. S. No. 3342.)**

Examination of a drug product, labeled as Bering ear oil, from the herein-described interstate shipment having shown that the bottle and carton labels and accompanying circular bore claims of curative and therapeutic properties that the article did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Illinois.

On September 9, 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 91 bottles of Bering ear oil at Chicago, Ill., alleging that the article had been shipped by Henry Heide & Sons, from St. Paul, Minn., May 29, 1930, and had been transported from the State of Minnesota 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 this department showed that it consisted essentially of a bland oil containing a small amount of methyl salicylate.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative or therapeutic effects, appearing in the labeling, were false and fraudulent, 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 it was composed of or contained ingredients or medicinal agents effective as a remedy for the diseases, ailments, and afflictions mentioned therein: (Bottle) "Ear Oil Bering Oil is useful for \* \* \* ears. Also Ear Ache;" (carton) "Ear Oil \* \* \* Relief for. 1. Defective Hearing; 2. Buzzy and noisy ears; \* \* \* 6. Earache. \* \* \* For Acute Earache in Adults or Children Use Bering Ear Oil \* \* \* Ears get stiff, itchy and hard and so lack pliability—Likewise get dull and noisy;" (circular) "Ear Oil \* \* \* Have You? 1. Diminished hearing? 2. Buzzy and noisy ears? \* \* \* 6. Earache? Then, Use Bering Oil! \* \* \* Ears get dry, hard, stiff, itchy, dull and noisy. Use Bering Ear Oil and note the difference. \* \* \* Bering Ear Oil is very useful to relieve the pain of children and adults—acute ear aches."

On November 24, 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.*

**17851. Misbranding of Dr. Pusheck's Cold Push. U. S. v. 33 Packages of Dr. Pusheck's Cold Push. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25079. I. S. No. 037260. S. No. 3215.)**

Examination of samples of a drug product, known as Dr. Pusheck's Cold Push, from the herein-described interstate shipment having shown that the label bore claims of curative and therapeutic properties that the article did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Wisconsin.

On August 27, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 33 packages of Dr. Pusheck's Cold Push, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Pusheck Health Laboratories, Chicago, Ill., on or about March 6, 1930, and had been transported from the State of Illinois into the State of Wisconsin, 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 the tablets contained acetanilide (1.5 grains per tablet), camphor, small amounts of quinine, and resinous material, coated with iron oxide and calcium carbonate.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative or therapeutic effects together with similar statements in German, appearing on the packages containing the article, were false and fraudulent: "For \* \* \* Fevers, Croup, Bronchitis, Influenza, Grippe, Sore Throat \* \* \* For \* \* \* Influenza, Grippe, \* \* \* Croup, \* \* \* For \* \* \* Catarrh, or Chronic Complaints."

On October 10, 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.*