

17906. Misbranding of Jenkin's rheumatic remedy. U. S. v. 40 Bottles, et al., of Jenkin's Rheumatic Remedy. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 25562, 25563, 25564. I. S. Nos. 8871, 8872, 8876, 8877. S. Nos' 3833, 3834, 3836.)

Examination of samples of a drug product, known as Jenkin's rheumatic remedy, from the herein-described shipments having shown that the labels of the bottles and cartons containing the article bore claims of curative and therapeutic properties that the article did not possess, and that it contained less alcohol than represented, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Pennsylvania.

On December 30, 1930, the United States attorney for the Western District of Pennsylvania filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 81 small-sized and 18 large-sized bottles of Jenkin's rheumatic remedy, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by I. W. Jenkins, Youngstown, Ohio, between the dates of March 10, 1930, and November 25, 1930, and had been transported from the State of Ohio into the State of Pennsylvania, 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 salicylic acid (3.8 grams per 100 cubic centimeters), potassium iodide (1.8 grams per 100 cubic centimeters), small proportions of extracts of plant drugs, glycerin and alcohol (1.5 per cent by volume), sugar, and water, flavored with essential oils including sassafras oil.

It was alleged in the libels that the article was misbranded in that the statements appearing on the cartons, "Contains 10% Alcohol" and on the bottle labels, "Not Over 10% Alcohol," were false and misleading. Misbranding was alleged for the further reason that the packages failed to bear a statement on the labels of the quantity or proportion of alcohol contained in the article. Misbranding was alleged in substance for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Rheumatic Remedy * * * A Sure and Safe Remedy for Acute & Chronic Inflammatory Rheumatism and Sciatica. Infallible in the treatment of Chorea. Hundreds of cases relieved of suffering. Indisputable testimonials. This medicine has been tested by medical practitioners. Directions: Table-spoonful in water every two hours the first day, afterwards four times a day;" (carton) "Rheumatic Remedy * * * An Infallible Remedy for All Forms of Rheumatism, Gout and Kidney Troubles. A Medicine that has wrought wonders. Never fails to relieve the worst cases of Rheumatism in 6 to 8 hours, and afterwards effect a permanent Relief, and the utmost possible benefit. Take one bottle according to directions. * * * It has cured others, Why Not You?"

On January 28, 1931, and March 3, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17907. Adulteration and misbranding of Dr. Hubbel's formula. U. S. v. 20 Cards of 3 Bottles Each of Dr. Hubbel's Formula. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25830. I. S. No. 4980. S. No. 3775.)

Examination of a sample of a drug product, known as Dr. Hubbel's formula, having shown that it contained more alcohol than declared on the label, and that the display card, carton, bottle label, and accompanying circular bore claims of curative and therapeutic properties that the article did not possess, the Secretary of Agriculture reported to the United States attorney for the District of Maine the herein-described interstate shipment of a quantity of the article located in Portland, Me.

On January 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 20 cards, each bearing three bottles of Dr. Hubbel's formula, remaining in the original unbroken packages at Portland, Me., alleging that the article had been shipped by the Hubbel Products Corporation from Boston, Mass., on or about September 20, 1930, and transported from the State of Massachusetts into