

On May 13, 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.*

18503. Misbranding of McCormick's cold and pain salve. U. S. v. 9 Jars of McCormick's Cold and Pain Salve. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25240. I. S. No. 3823. S. No. 3519.)

Examination of samples of a drug product, known as McCormick's cold and pain salve, from the shipment herein described having shown that the bottle and carton labels and the accompanying circular bore statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the western district of South Carolina.

On February 18, 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 nine jars of McCormick's cold and pain salve at Spartanburg, S. C., alleging that the article had been shipped by McCormick & Co., from Baltimore, Md., on or about December 12, 1929, and had been transported from the State of Maryland into the State of South Carolina, and charging misbranding in violation of the food and drugs act as amended.

The article was labeled in part: (Bottle) "For * * * Catarrh, Etc. * * * For Eczema * * * or Other Inflammation of the Skin. * * * McCormick's * * * Pain Salve * * * For * * * Bronchitis, Pneumonia, etc. If Pneumonia or other serious complications are suspected, call a physician at once. * * * Repeat treatment every three or four hours. Sore Throat. * * * Coughs, Whooping Cough;" (carton) "Pain Salve * * * Valuable in the treatment * * * Sore Throat, LaGrippe, Pneumonia * * * Skin Irritations. * * * Internally by the Inhalation of the wonderfully healing vapors which it evolves, McCormick's Salve penetrates the most minute recesses of the nose, throat, lungs and bronchial tubes, allaying pain and reducing inflammation wherever it reaches. * * * Useful in all forms of Inflammation such as Asthma, Bronchitis, Catarrh * * * Coughs, Hay Fever, LaGrippe, Pneumonia, Sore Throat, Whooping Cough * * * Boils and * * * Eczema * * * Headache, Neuralgia, Rheumatism, Piles;" (circular) "Pain Salve is primarily an inhalant for treatment of diseases of the lungs and air passages of an inflammatory character. The aromatic and healing vapors which it evolves, penetrate and carry their virtues to the most minute recesses of the affected organs. * * * Coughs * * * Hay Fever * * * LaGrippe * * * Pneumonia * * * Tonsillitis, Sore Throat, Hoarseness * * * Whooping Cough * * * Boils * * * Eczema * * * Croup * * * in Poultry * * * Distemper in Dogs or Horses * * * Pneumonia or Pleurisy in Horses."

Analysis of a sample of the article by this department showed that it consisted essentially of a petrolatum base containing volatile oils including eucalyptol, camphor, and menthol.

It was alleged in substance in the libel that the article was misbranded in violation of section 8, paragraph 3, of the act as amended, in that the following statements appearing on the jar label, regarding the curative or therapeutic effects of the said article, were applied to the said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers and create in the minds of such purchasers the impression and belief that the article contained ingredients or medicinal agents effective in the diseases and conditions named therein; whereas it contained no ingredient or combination of ingredients capable of producing the effects claimed: "For * * * Catarrh, etc. * * * For Eczema, * * * or other inflammation of the skin. * * * McCormick's * * * Pain Salve * * * For * * * Bronchitis, Pneumonia, etc. If pneumonia or other serious complications are suspected, call a physician at once. * * * Repeat treatment every three or four hours. Sore Throat, * * * Coughs, Whooping Cough."

On June 25, 1931, 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.*