

**22177. Misbranding of B. & M. & B. & M. External Remedy. U. S. v. F. E. Rollins Co. Plea of guilty. Fine, \$2,000.** (F. & D. no. 30186. I. S. nos. 30359, 30439, 30728. Sample nos. 2650-A, 2674-A, 4081-A, 4463-A, 4464-A, 5885-A, 6127-A, 6321-A, 6323-A, 6876-A, 6877-A, 6878-A, 6879-A, 6880-A, 6881-A, 7371-A, 7372-A, 7719-A, 9330-A, 9331-A, 9332-A, 18177-A.)

This case was based on interstate shipments of a drug preparation under two types of labeling, the earlier shipments under the name of B. & M. External Remedy and the later shipments under the name of B. & M. Analyses showed the same formula under both types of labeling. The carton and bottle labels and booklets shipped with the article contained false and fraudulent curative and therapeutic claims.

On February 12, 1934, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the F. E. Rollins Co., a corporation, Boston, Mass. It was alleged in the information that the defendant company had shipped from the State of Massachusetts into the States of Pennsylvania, New York, and Alabama, between the dates of May 9, 1931, and April 28, 1932, quantities of B. & M. External Remedy; that the said company had also shipped from the State of Massachusetts into the States of Louisiana, Florida, Minnesota, Illinois, Rhode Island, Michigan, Ohio, and Missouri, between the dates of April 30, 1932, and July 14, 1932, quantities of B. & M.; and that the article was misbranded in violation of the Food and Drugs Act as amended. The shipments labeled "B. & M." were further labeled in part: "Formerly Called B. & M. External Remedy."

Analyses of samples of the article by this Department showed that it consisted essentially of approximately 42 percent of turpentine oil, approximately 5 percent of ammonia, small proportions of ammonium salicylate, hexamethylenamina, thiosinamine, and a phenolic substance such as cresol, albuminous and phosphorus-containing material such as egg, and water.

The information charged that the article was misbranded in that the cartons, bottle labels, and booklets within the cartons contained statements, designs, and devices representing that the article contained ingredients capable of exerting curative and therapeutic effects in the treatment of various ailments, namely, that the portions labeled "B. & M." were effective in the treatment of pulmonary tuberculosis, tuberculosis of the cervical glands, tuberculosis of the joints, tuberculosis of other parts of the body, pneumonia, influenza, laryngitis, bronchitis, croup, coughs, tonsillitis, rheumatism, inflammatory rheumatism, lumbago, neuritis, septic skin infections, sciatica pleurisy germ diseases, hemolytic streptococcus infections, mixed infections, and blood poisoning, and that the portions labeled "B. & M. External Remedy" were effective in the treatment of pulmonary tuberculosis, tuberculosis of the cervical glands, tuberculosis of the joints, tuberculosis of other parts of the body, pneumonia, la grippe, bronchitis, pleurisy, influenza, catarrh, acute and chronic rheumatism, inflammatory rheumatism, rheumatic fever, blood poisoning, inflammation of the bowels, tonsillitis, lumbago, neuritis, neurasthenia, peritonitis, scarlet fever, diphtheria, whooping cough, croup, mumps, auto-intoxication, kidney trouble, bladder trouble, poliomyelitis or infantile paralysis, indigestion, varicose veins, and all kinds of inflammation, whereas the article contained no ingredients or combination of ingredients capable of producing the effects claimed and the statements were applied knowingly, fraudulently, and in reckless and wanton disregard of their truth or falsity.

On March 5, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$2,000.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22178. Misbranding of Osmo Kaolin. U. S. v. E. Fougere & Co., Inc. Plea of guilty. Fine, \$375.** (F. & D. no. 26628. I. S. nos. 5717, 5738, 5742.)

This case was based on shipments of Osmo Kaolin, a product labeled with therapeutic claims, which was found upon analysis to consist entirely of clay. The article contained no ingredient, nor was it in itself, capable of producing certain therapeutic and curative effects claimed in the labeling.

On October 11, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against E. Fougere & Co., Inc., a corporation, New York, N. Y., alleging shipments by said company in violation of the Food and Drugs Act, as amended, on or about December 6, 1929, November 19 and December 12, 1930, from the State of New York into the Territory of Puerto