

4176. Misbranding of "Mag-No Brand Liniment." U. S. v. Leslie A. Knight (Mag-No Co.). Plea of guilty. Fine, \$10 and costs. (F. & D. No. 6302. I. S. No. 9106-h.)

On June 22, 1915, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Leslie A. Knight, trading under the name and style of the Mag-No Co., St. Louis, Mo., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about February 8, 1914, from the State of Missouri into the State of Texas, of a quantity of "Mag-No Brand Liniment" which was misbranded. The article was labeled: (On bottle) "Mag-No Brand Liniment is good as the best for man and beast. Directions. Rub Liniment on afflicted part freely with palm of hand. On circular enclosed with bottle you will find list of Diseases and full directions for using Mag-No Liniment. Price 50c per bottle. Guaranteed by Mag-No Company. Under the Food and Drugs Act June 30, 1906. Serial Number 33679 Mag-No Company Proprietors St. Louis, Mo." (On carton) "Mag-No Brand Liniment for Man and Beast. Price 50 cents Guaranteed by Mag-No Company under the Food and Drugs Act June 30, 1906 Serial No. 33679 Mag-No Company Proprietors St. Louis, Missouri Mag-No Liniment is good as the best; for Rheumatism, Sprains, Stiff Joints, Sore Muscles, Painful Swellings, Neuralgia, Toothache, Earache, Headache, Coughs, Colds, Sore Throat, Cuts, Bites of Poisonous Insects, Frost Bites, Chilblains, Colic, Cramps and Chronic Skin Diseases. Full Directions for using on the Inside. A good liniment must have penetrating qualities—that's what Mag-No has, it penetrates like Magic whether of man or beast. Always keep a bottle of this valuable remedy on hand. Use Mag-No Liniment on your stock. It makes me feel fine. It is good for Colic, Soreness, Lameness and Stiff Joints, Swinney, Ringbone, Wind-galls, Sprains, Splints, Scratches, Old Ulcers and Sores, Sand Crack, Thrush, Diseased Hoofs and Spavin, Screw Worm, Foot Rot, Shoulder Rot and Scab in Sheep, Foul in the Foot, Hoof Disease in Cattle, Wounds, Ulcers, Grub under the Hide and Gadfly Stings. Directions for using on the Inside." The circular or pamphlet accompanying the article contained, among other things, the following statement: "A most remarkable Remedy for Conquering and Banishing Pain," "Ailments that Mag-No Liniment is Good for Rheumatism, Lumbago, Sciatica, Swellings, Contracted Muscles, Neuralgia, Bites and Poisonous Stings, Toothache, Earache, Headache, Cuts, Bruises, Sprains, Lamé Back, Stiff Joints, Old Sores, Sore Throat, Diphtheria, Croup, Pain in Side, Back and Shoulders, Ulcers, Boils, Chilblains, Gout, Frost Bites, Colic, Cramps, Chronic Skin Diseases and every ailment that can be treated by an outward application," "Rheumatism—Doctors agree that Local Rheumatism can be cured as soon as the affected tissues are reached and relieved and the inflammations are subdued. The penetrating qualities of Mag-No Liniment make it a great Rheumatic Remedy."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that the product was essentially an aqueous solution of ammonia flavored with sassafras oil and colored with a vegetable coloring matter.

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, (On carton) "Mag-No Liniment is good as the best; for Rheumatism * * * Mag-No Liniment * * * is good for * * * Swinney, Ringbone, Wind-galls, * Splints, * * * Spavin, * * * Scab in Sheep * * *," were false and fraudulent in that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently to the purchasers

thereof, and create in the minds of purchasers thereof the impression and belief, that it was in whole or in part composed of, or contained, ingredients or medicinal agents effective, among other things, as a remedy for rheumatism and effective as a remedy for swinney, ringbone, windgalls, splints, spavin and scab in sheep; when, in truth and in fact, said article was not in whole or in part composed of, and did not contain, ingredients or medicinal agents effective, among other things, as a remedy for rheumatism, or effective as a remedy for swinney, or ringbone, or windgalls, or splints, or spavin, or scab in sheep. Misbranding was alleged for the further reason that the following statements regarding the therapeutic or curative effects of the article, included in the circular or pamphlet aforesaid, to wit, "* * * Ailments that Mag-No Liniment is good for * * * Rheumatism * * * Diphtheria * * *," "* * * The penetrating qualities of Mag-No Liniment make it a great Rheumatic Remedy, * * *" were false and fraudulent in that, by means of the said circular or pamphlet, they were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that the article was in whole or in part composed of, or contained, ingredients or medicinal agents effective, among other things, as a remedy for rheumatism, and effective as a remedy for diphtheria; when, in truth and in fact, said article was not in whole or in part composed of, and did not contain, ingredients or medicinal agents effective, among other things, as a remedy for rheumatism, or effective as a remedy for diphtheria.

On September 17, 1915, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*