

**4268. Misbranding of "Prof. Hoff's Prescription." U. S. \* \* \* v. 35 Packages of "Prof. Hoff's Prescription" \* \* \*. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 6665. I. S. No. 3071-k. S. No. E-332.)**

On June 29, 1915, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 35 packages of "Prof. Hoff's Prescription," remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the product had been shipped and transported from the State of New York into the State of Maryland, and charging misbranding in violation of the Food and Drugs Act as amended.

The packages, labels, circulars, and wrappers were labeled in part as follows: "Prof. Hoff's Prescription, Bendiner and Schlesinger, Chemists, N. Y., Prof. Hoff's, Prof. Hoff's Prescription, After the recipe of the author, indicated in the treatment of asthma, catarrh, bronchitis, hay fever, pulmonary tuberculosis and chronic coughs, guaranteed by Bendiner and Schlesinger under the Food and Drugs Act, June 30, 1906, Guaranteed No. 5023, Bendiner and Schlesinger Chemists, third Avenue and 10th Street, New York, established 1843. Dose six drops in a little water twice a day after breakfast and after supper, increase two drops each week until the maximum dose of twenty-two drops has been reached, then decrease by two drops each week;" and on each of said circulars the following: "\* \* \* Remedy \* \* \* its efficacy . \* \* \* The remedy \* \* \* for pulmonary ailments \* \* \* remedy \* \* \* remedy \* \* \* efficiency of the remedy. Asthma \* \* \* this will make the attacks less recurrent, and will eventually work a cure. In aggravated forms and when a paroxysm is anticipated \* \* \* you will ward off the attack \* \* \* an additional ten drops \* \* \* will promptly arrest the spasm \* \* \* for catarrhal bronchitis;" and in each of said wrappers the following: "Indicated in the treatment of asthma, catarrh, bronchitis, hay fever, and pulmonary tuberculosis."

Misbranding of the article was alleged in the libel for the reason that said labels, circulars, and wrappers on each of said packages contained statements regarding the curative, therapeutic, and physiological effect of said article and of the ingredients and substances contained therein, which were false and fraudulent, as neither the said article nor the said ingredients or substances contained therein were capable of producing the curative, therapeutic, and physiological effect claimed therefor in said labels, circulars, and wrappers.

On September 27, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*