

**4991. Misbranding of "Booth's Hyomei Dri-Ayr." U. S. \* \* \* v. Booth's Hyomei Co., a corporation. Plea of nolo contendere. Fine, \$10.**  
(F. & D. No. 6186. I. S. No. 9610-e.)

On June 22, 1915, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Booth's Hyomei Co., a corporation, Buffalo, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about January 10, 1913, from the State of New York into the State of Maryland, of a quantity of an article labeled, in part, "Booth's Hyomei Dri-Ayr," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)-----	9.89
Nonvolatile matter at 110° C. (grams per 100 cc)-----	9.81
Tests made on volatile oil:	
Polarization at 25° C. (100 mm tube) (°V)-----	-5.6
Polarization at 25° C. (100 mm tube) (°angular)-----	-1.94
Phellandrene: Large amount present.	
Cineol (per cent) (approximate)-----	20.00

The oil is soluble in 3 volumes of 70 per cent alcohol; the nonvolatile residue consists of a small amount of resin-like solid and a mineral oil; it gives no test for rosin oil.

The product apparently consists essentially of oil of eucalyptus, together with a small amount of resin-like solids and a mineral oil; also a little alcohol. Oil of eucalyptus not U. S. P.

It was charged in substance in the information that the article was misbranded for the reason that the statements on the label falsely and fraudulently represented it as a remedy for catarrh, asthma, bronchitis, and hay fever, and further in that the statements included in the booklet accompanying the article falsely and fraudulently represented it as a remedy for catarrhal deafness, and hay fever, and as a cure for asthma and catarrh when, in truth and in fact, it was not.

On November 22, 1916, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of \$10.

*CARL VROOMAN, Acting Secretary of Agriculture.*