

said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 25, 1921, 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.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

9842. Misbranding of Euca-Mul. U. S. * * * v. 222 Bottles * * * and 139 Bottles * * * of * * * Euca-Mul. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 14241. Inv. No. 27170. S. No. C-2737.)

On January 24, 1921, the United States attorney for the Southern District of Ohio, 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 222 bottles, large size, and 139 bottles, small size, more or less, of Euca-Mul, remaining unsold at Cincinnati, Ohio, consigned by the Edward G. Binz Co., Los Angeles, Calif., March 3, November 5 and 11, and December 9, 1920, respectively, alleging that the article had been shipped from Los Angeles, Calif., and transported from the State of California into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Large sized bottle) "* * * Indicated In Croup * * * Bronchial Asthma Tuberculosis Whooping Cough And Other Throat And Lung Affections * * * relieves * * * bronchial asthma. Especially effective in cough of phthisis and Whooping Cough * * *"; (small sized bottle) "* * * Gives immediate Relief in * * * Asthma Croup, Pneumonia Whooping Cough, Consumption and any Lung or Throat Trouble * * * excellent for all Chronic Throat and Lung troubles. It builds up resisting power in patient, controls the cough * * *"; (circular) "* * * Will * * * relieve any kind of cough; will relieve all chronic coughs, and will arrest paroxysms in whooping cough; * * * For Whooping Cough * * * Use * * * and * * * you will control the whooping cough in a short time. Consumption In this trouble, use Euca-Mul * * * for the effect in the disease, regardless of the cough * * * Asthma This disease should be treated with Euca-Mul, * * * Croup * * * Euca-Mul will be appreciated in this disease. * * * The persistent use of Euca-Mul brings the best results * * *"

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained an emulsion of oil of eucalyptus, reducing sugars, glycerin, gum, water, and alcohol.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effects thereof, appearing in the labels of the bottles containing the article and in the circular accompanying the same, were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed and in that it was insufficient of itself for the successful treatment and cure of the ailments and diseases for which it was prescribed and recommended in the said statements.

On June 17, 1921, the Alfred Vogeler Drug Co., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*