

**7600. Misbranding of Milks Emulsion. U. S. \* \* \* v. 12 Dozen Bottles of Milks Emulsion. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 11369. I. S. No. 13513-r. S. No. E-1770.)**

On October 1, 1919, 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 of the United States for said district a libel for the seizure and condemnation of 12 dozen bottles of Milks Emulsion, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about June 9, 1919, by the Milks Emulsion Co., Terre Haute, Ind., and transported from the State of Indiana into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "Milks Emulsion \* \* \* A Valuable Remedy for dyspepsia, indigestion, catarrh of stomach and bowels, \* \* \* bronchial asthma, catarrhal croup, bronchitis, \* \* \* Especially beneficial in incipient consumption \* \* \*;" (cartons) "A valuable remedy for dyspepsia, indigestion, catarrh of the stomach and bowels \* \* \* coughs due to sore throat, bronchitis or pneumonia. Incipient consumption, bronchial asthma, catarrhal croup. \* \* \* strengthens the digestive organs, \* \* \* enriching the blood and increasing the flesh. It gives relief in curable Throat, Lung, Stomach and Bowel Troubles, cleans and heals the afflicted parts and enables the machinery of the body to do its work properly, thus restoring strength and flesh and contributing to perfect health. Is very beneficial in incipient consumption, \* \* \* coughs due to sore throat, bronchitis or pneumonia. Bronchial asthma, dyspepsia, indigestion, catarrh of the stomach and bowels, \* \* \* It builds up their system, enriches their blood, improves the appetite, strengthens the throat, lungs and stomach, which are only too often the cause of croupy, weak and puny children. Relieves catarrhal croup, and several doses given during the day will prevent it. Thousands of mothers endorse Milks Emulsion because it strengthens their children \* \* \*;" (booklet) "Consumption (In its Early stages) Can Be Cured The use of Milks Emulsion, which is 95 per cent petroleum, \* \* \* in the treatment of tuberculosis of the lungs, \* \* \* Milks Emulsion contains a great amount of fat, \* \* \* It is absolutely necessary to clean the lungs of all poisonous pus before Nature can start to heal them. Milks Emulsion will start the accumulation of pus from the cavities that have formed in the lungs by the eating away of the tissues of the walls of the air cells by the tubercular germs, in ten to twenty-four hours. A 50c bottle will prove our statement. It will cause the consumptive to expectorate very freely, and loosen the cough as well. Consumption cannot be cured until these cavities have been cleaned out and kept clean, the sewage of the body cleaned out and kept clean, the stomach and bowels put in a good healthy condition, thus enabling the patient to digest and assimilate his food, thereby building up the blood and tissue, which is necessary for the patient's strength in order that he may combat the weakening effect of tuberculosis. After this has been accomplished, Nature will cause the lungs to heal and build up rapidly. \* \* \* 'I was suffering from that awful disease, tuberculosis of the bones, affecting both legs and arms. At one time I had seventy-two (72) risings and boils on my body, legs and arms, making almost an entire mass of sores. One of the places was as large as a quart bucket. I was in this condition for five months and eleven days. \* \* \* From my normal weight of 110 pounds I went down to 72 pounds during the five months' bed-sickness. \* \* \* Within ten days after beginning with your Emulsion I was out of bed, greatly improved and the boils began to disappear

and to get better, one by one, and within four months, I was completely well of them. I have taken sixty-two bottles of Emulsion and know that your medicine has saved my life, \* \* \* 'I was pronounced a victim of tuberculosis. I took tuberculosis treatments and finally resorted to two operations. I was then told there was no cure for me. In Feb., 1913, I started on Milks Emulsion, took thirteen bottles, gained seven pounds in three weeks. I am now absolutely well, weight 162 pounds and feel that I am a living proof that Milks Emulsion will cure tuberculosis if taken in time. \* \* \* ' \* \* \* the best remedy in the world for lung trouble and catarrh of the stomach and bowels. \* \* \* ' \* \* \* I can say that if it had not been for Milks Emulsion, I would have been dead now. \* \* \* My neighbors told me of your medicine curing two other people of tuberculosis, same as I had. So I quit the doctors and went to using Milks Emulsion. When I had used two bottles, I began to eat better. I kept on using it and now I feel like a new woman. I have gained 20½ pounds in using eight bottles. \* \* \* ' \* \* \* I highly recommend Milks Emulsion to anyone having lung trouble. \* \* \* ' \* \* \* I have had lung trouble for four years and have never gotten hold of anything that did me any good until Mr. George Caps, my druggist, persuaded me to try Milks Emulsion. The first bottle gave me great relief and by the time I had taken five bottles I was greatly improved. The doctors had said my case was incurable but they didn't know what a life saver Milks Emulsion was going to be in my case. I have taken about twenty bottles of your Emulsion and am glad to say I am in as good health as I ever was in my life. \* \* \* ' \* \* \* It becomes my privilege and pleasure to advise you that the writer has been for more than twelve years a semi-invalid by virtue of having contracted tuberculosis in his hip joint. \* \* \* The writer can truthfully say that your Emulsion has been a Godsend to him, and he most heartily recommends its extensive use to anyone in the grasp of the Great White Plague in any of its various forms. \* \* \* ' \* \* \* I had consumption \* \* \* Finally a friend advised me to take Milks Emulsion, saying he had been cured. I managed to get to the Milks Emulsion office where my case was considered hopeless. They regretted that I had not come earlier, but started me using Milks Emulsion and by the time I had used two bottles I noticed a decided improvement. \* \* \* I have now taken 23 bottles and am happier than words can tell to think I have again regained my health and have a new lease on life. \* \* \* Milks Emulsion is a positive cure for consumption. \* \* \* I urge everyone with weak lungs or consumption to use Milks Emulsion, the world's only cure for consumption. \* \* \* ' \* \* \* I want to let every one know how Milks Emulsion saved my life \* \* \* My folks called in one of the best physicians in Terre Haute, who examined my lungs and said my right lung was in very bad shape. He told my mother that he could not save me as my lungs were too far gone. \* \* \* I commenced to take Milks Emulsion \* \* \* My health is now fine and I feel so happy, I am sure nothing in this world but Milks Emulsion would ever have saved my life and I shall always feel that I owe my life to you. \* \* \* I hope every consumptive who reads this letter will commence on Milks Emulsion without a minute's loss of time. \* \* \* ' \* \* \* Our little five-year-old daughter, Luella, had the measles and they settled in her bronchial tubes, and she had such a cough we could not sleep at night. My wife is confident she had consumption \* \* \* I had seen your Milks Emulsion advertised and concluded to try it and we have done so with the very best results. I am glad to say that she is cured and we can not say too much in favor of your wonderful remedy for it saved our child's life. \* \* \* ' \* \* \* I have had

lung trouble for nine years and after trying nearly every doctor in Evansville and taking everything I heard of, I started on your Milks Emulsion, and while it may seem strange I will just say I have taken six bottles and it has cured me 'sound as a dollar. \* \* \*' '\* \* \* I had tuberculosis of the lungs \* \* \* purchased a bottle of Milks Emulsion, which helped me so much that I have since taken ten bottles. When I started to take your remedy I was in bed and weighed only 119 pounds. Now I weigh 140 pounds and believe I am completely cured. \* \* \*' '\* \* \* cured me entirely of a very bad case of lung trouble and asthma. \* \* \*' '\* \* \* Consumption runs in our family. \* \* \* I knew I would have it and worried all the time. In 1909 I had a hemorrhage of the lungs and would have one every winter. Last year I had one in the spring, and in the summer two more. They gradually grew more frequent, until I had two within three days. For nine months I had a terrible cough, which was growing worse all the time, until I couldn't sleep at night. \* \* \* With the first bottle of Milks Emulsion I got back a splendid appetite. After taking two bottles my cough almost left me. \* \* \* Now I do my washing and ironing and all my housework and enjoy it. I feel twenty years younger, and O God, I am so happy and feel now like God has given me my health through Milks Emulsion. I am always anxious to tell everybody about it and wish for the sake of poor tubercular sufferers that your medicine could be put in all tubercular hospitals, where I am sure all could be cured. \* \* \*' '\* \* \* For about one year I doctored continually with several good doctors, spending hundreds of dollars in what seemed a vain attempt to save my life from consumption. \* \* \* You held out hope for me and started me on Milks Emulsion. The second bottle seemed to do me a great deal of good. \* \* \* In less than three months time I was completely restored to health \* \* \* I advise every one that I see suffering from either lung or stomach trouble to use it, as I know it will cure them. Only those who have given up as incurable with consumption can appreciate how I feel after being fully restored to health. \* \* \*' '\* \* \* I had consumption \* \* \* Finally, a lady friend of my wife's gave me a bottle of Milks Emulsion, which I used and it seemed to do me so much good that I continued taking Milks Emulsion for four months, when it finally cured me sound as a dollar. \* \* \*' 'Bronchial Asthma Can be Cured. \* \* \* Milks Emulsion and deep breathing exercises will, in our opinion, do more for asthma than all other asthma cures combined. \* \* \*' 'My son, Roscoe, has had asthma since he was three years old. Whooping cough left him with this trouble. He is now 16 years old and is very grateful to you for his speedy recovery. \* \* \*' Asthma Cured 'Do you know I have not had a symptom of asthma since I took a few bottles of Milks Emulsion. I had suffered with asthma for over 20 years and had taken a number of other medicines which only relieved me for a short time. I can and do recommend Milks Emulsion as a sure cure. \* \* \*' '\* \* \* There is no need of going west for asthma. Eat plenty of Milks Emulsion and I, myself, will guarantee a cure, as I have done for myself \* \* \*' '\* \* \* I have taken ten bottles of your Milks Emulsion for asthma. I find that it has cured me completely \* \* \*' Stomach Trouble In Its Various Forms \* \* \* Stomach trouble, as understood by the laity covers acute and chronic dyspepsia, indigestion, gastritis, chronic gastric catarrh, chronic nervous dyspepsia, ulcer of the stomach, cancer of the stomach, syphilis of the stomach, and tumors of the stomach. We mention cancer, syphilis and tumors of the stomach under the head of stomach trouble simply to show you the possibilities under this term, which can only be determined by a thorough examination made by a competent physician, under whose

care you should place yourself should it be found that your trouble arises from either of these causes. \* \* \* gastritis \* \* \* Thousands of people have reported to us that they have found relief in the use of Milks Emulsion for various forms of stomach trouble, almost from the first dose, notwithstanding the fact that they had been afflicted for years and that everything they ate distressed them. \* \* \* Milks Emulsion will build up the system, improve the appetite, enrich the blood and strengthen the organs of the throat and lungs, which are only too often the cause of croupy, sick and puny children. Mothers endorse Milks Emulsion because it strengthens and builds up their children as nothing else has ever done, rendering them less liable to contract many of the contagious diseases so rife among children. \* \* \* Remember, you take no chances. Milks Emulsion is an absolute preventive for spasmodic croup."

Analysis of a sample of the article made in the Bureau of Chemistry of this department showed that it consisted of approximately 95 per cent of petrolatum, with small amounts of sirup, glycerin, and essential oils, including oil of lemon and methyl salicylate.

Misbranding of the article was alleged in the libel for the reason that the statement, "Milks Emulsion contains a great amount of fat," in the booklet accompanying the article, was false and misleading in that the article contained no fat. Misbranding of the article was alleged for the further reason that it was not capable of producing the therapeutic and curative effects claimed for it on the labels of the bottles containing, on the cartons enclosing, and in the booklets and circulars accompanying the article, as above set forth, which said statements were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for it.

On October 16, 1919, 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.

E. D. BALL, *Acting Secretary of Agriculture.*