

7789. Misbranding of Lung Vita. U. S. * * * v. 8 Dozen Small and 2 Dozen Large Packages and 2 Dozen Large and 3 Dozen Small Packages of Lung Vita. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 11152, 11155. I. S. Nos. 7317-r, 7318-r. S. Nos. C-1437, C-1438.)

On September 3 and 4, 1919, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 8 dozen small and 2 dozen large packages and 2 dozen large and 3 dozen small packages of Lung Vita, remaining unsold in the original unbroken packages at Louisville, Ky., consigned on or about February 11, 1919, and June 10, 1919, by the Nashville Medicine Co., Nashville, Tenn., and transported from the State of Tennessee into the State of Kentucky, and charging misbranding under the Food and Drugs Act as amended. The article was labeled in part: (Carton) "Lung-Vita for Consumption and Bronchial Asthma Directions * * * Alcohol 5% Shake well before taking Price 1.00 This bottle contains 4 fluid ounces Nashville Medicine Company Nashville, Tenn. * * *;" (bottle) "Lung Vita for Consumption and Bronchial Asthma * * * In cases of lung trouble * * * Lung-Vita may also be used for coughs, colds, bronchial troubles and whooping cough. * * *;" (circular) "Lung-Vita * * * Consumption and Lung Troubles * * * Take your medicine regularly * * * Bronchial Asthma * * * Colds * * * Whooping Cough, Grip, Croup and Bronchial Troubles * * * take the medicine according to directions on the bottle, * * *."

Analyses of samples of the product made by the Bureau of Chemistry of this department showed that it consisted essentially of kerosene, a vegetable oil, sugar, glycerin, alcohol, and a small amount of plant extractives.

Misbranding of the article was alleged in the libel for the reason that the packages, labels on the bottles, and the circulars bore and contained false and fraudulent statements, designs, and devices regarding the curative and therapeutic effects of said drug, as said drug contained no ingredient or combination of ingredients capable of producing the effects claimed for it in that they claimed that Lung Vita is for consumption and bronchial asthma, lung trouble, coughs, colds, bronchial trouble, whooping cough, grip, and croup.

On January 15, 1920, no claimant having appeared for the property, decrees of condemnation and forfeiture were 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.*

7790. Misbranding of Brazilian Balm. U. S. * * * v. a Number of Bottles of Brazilian Balm (5 Seizures). Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 12528, 12544, 12545, 12546, 12547. I. S. Nos. 14629-r, 14630-r, 14631-r, 15245-r, 15246-r, 12547-r, 12548-r, 15983-r, 15984-r, 15985-r, 15986-r, 15992-r, 15993-r. S. Nos. E-2030, E-2031, E-2032, E-2029, E-2042.)

On March 23, 1920, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 54 bottles (\$1 size), 358 bottles (50-cent size), 1,325 bottles (25-cent size), and 324 bottles (10-cent size) of Brazilian Balm, remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped on or about April 29, 1919, February 10, 1920, February 16, 1920, March 8, 1920, and November 8, 1918, by B. F. Jackson & Co., Arcade, N. Y., and transported from the State of New York into the State of Pennsylvania, in violation of the Food and Drugs Act, as amended.

The article was labeled in part: (Bottle, \$1 size) “* * * Grip, Croup, Throat and Lung Troubles, Catarrh, Asthma, Bronchitis, and Fevers * * * Mumps, * * * Constipation, Piles and all inflammatory conditions. * * *;” (small circular) “* * * Grippe, Catarrh * * * Inflammation of the Lungs * * * Pneumonia * * * Spanish Influenza * * * Whooping Cough * * * Asthma * * *;” (additional small circular) “* * * Croup, Pleurisy, Bronchitis, Sore Throat, Sore Lungs, Catarrh, Asthma, and outwardly for Constipation, * * * Mumps * * * Lame Back * * * Grip—Measles. * * * hemorrhage of the lungs * * * Fevers * * * Typhoid and Pneumonia * * *;” (large circular) “* * * Croup, Grip, Sore Throat, Bronchitis, Fevers, * * * Asthma and Catarrh * * * Pneumonia * * * Spanish Influenza * * * Hay Fever * * * Systemic Catarrh * * * Mumps * * * typhoid fever * * * congestion of the lungs, laryngitis and heart failure * * * blood poison * * * Catarrh of Bowels * * * Sick Headache * * * Serious Female Troubles * * * Quick Consumption * * * Pleurisy Quickly Cured * * * Typhoid and Pneumonia Cured * * * Kidney Trouble * * * swellings;” (additional large circular) “* * * La Grippe, Croup, Bronchitis, Pleurisy, Sore Throat, Catarrh, Asthma, Pneumonia, etc., * * * blood poison * * * Spanish Influenza * * * Hay Fever * * * Bloating * * * Bleeding Lungs, Stomach, Bowels * * * Bleeding Uterus * * * Catarrh of Lungs * * * Catarrh of Uterus * * * Constipation * * * Contagious Diseases * * * Fevers * * * Hemorrhage * * * Hemorrhoids * * * Blood Poison * * * Leucorrhoea or Whites * * * Measles * * * Mumps * * * Neuralgia * * * Piles * * * Prophylactic * * * Quinsy * * * Scarlet Fever * * * Sore Throat—Tonsilitis * * * Tuberculosis * * * Typhoid * * * Whooping Cough * * *;” (wrapper) “* * * La Grippe, Croup, Catarrh, Asthma, Pleurisy, Hay Fever, Blood Poison, All Fevers, Contagious Diseases * * * Sore Throat, * * * Bronchitis;” (bottle, 50-cent size) “* * * Croup, Throat and Lung Troubles, Catarrh in head, stomach, bowels, etc. * * * Asthma, * * * Grip, Pleurisy, Inflammation and Hemorrhage of Lungs, Stomach, Bowels, Wounds, Etc., Wonderful in Fevers * * * prevents lock-jaw, * * * running ears, inflamed eyes, * * * swellings as in mumps, sore throat, * * * Bloating in typhoid * * *;” (wrapper) “LaGrippe, Croup, Catarrh, Asthma, Pleurisy, Fevers, * * * Sore Throat, Bronchitis, * * * Inflammations, Lung Troubles;” (bottle, 25-cent size) “* * * Grip, Croup, Throat and Lung Troubles, Catarrh, Asthma, Bronchitis, and Fevers * * * mumps, * * * constipation, piles and all inflammatory conditions. * * *;” (wrapper) “* * * La Grippe, Croup, Fevers, * * * Catarrh * * * Sore Throat, Bronchitis, Asthma, Catarrh of head and system, Pneumonia, Fevers, Inflammation and many lung troubles. * * *;” (small circular) “* * * Croup, Pleurisy, Bronchitis, Sore Throat, Sore Lungs, Catarrh, Asthma, and outwardly for Constipation * * * Mumps * * * Lame Back * * * Grip—Measles * * * hemorrhage of the lungs * * * Fevers * * * Typhoid and Pneumonia * * * Systemic Catarrh * * * Inflammation of Bowels * * *;” (bottle, 10-cent size) “* * * Grip * * * Croup, * * * Sore Throat, Catarrh, Asthma, Inflammations and Fevers. * * * Constipation and Piles Inject for Female Troubles. * * * Swellings * * *;” (wrapper) “* * * Grip * * * Croup * * * Sore Throat, Bronchitis, Catarrh, Asthma, Fevers, Inflammations, Lung Troubles, etc. * * * swellings * * *;” (large circular) “* * * Croup, Grip, Sore Throat, Bronchitis,

Fevers, Cold in Chest or Back—for Asthma and Catarrh * * * Grip and Pneumonia * * * Hay Fever * * * Systemic Catarrh * * * Croup * * * Sore Throat * * * Earache * * * Inflammation of Bowels—Bad Burns * * * Quick Consumption * * * Brazilian Balm is one of the best Antiseptic dressings for fresh wounds known to science. * * * Contagious Diseases. * * * diphtheria, scarlet fever or small pox * * * ;” (small circular) “* * * Grip, * * * Inflammation of the Lungs * * * Pneumonia * * * Quick Consumption * * * Croup * * * Measles * * * hemorrhage of the lungs * * * Catarrh—Fevers. * * * Typhoid * * * Systemic Catarrh * * * Inflammation of Bowels—Bad Burns * * * ;” (counter display carton) “* * * Croup * * * Fresh Cold—over night. Coughs—most obdurate. Sore throat—quinsy. Weak lungs—makes sound. Grip—kills the germs. Asthma * * * Catarrh—head and system. Pleurisy * * * Reliable Germicide For Typhoid, Rheumatism, Quick Consumption. Pneumonia, Prevents and Cures Contagious Diseases * * * Swellings, Ear Ache, Pink Eye * * * Instantly Relieves Blood Poison from Wounds. * * * ;” (additional small circular) “* * * Croup, Pleurisy, Bronchitis, Sore Throat, Sore Lungs, Catarrh, Asthma, and outwardly for Constipation * * * mumps * * * lame back * * * grip, measles * * * hemorrhage of the lungs * * * Fevers * * * Typhoid and Pneumonia * * * Systemic Catarrh * * * Inflammation of Bowels * * * ;” (folder) “* * * Quick Consumption * * * Pneumonia * * * diphtheria * * * Croup * * * Catarrh—Fevers. * * * Systemic Catarrh. * * * deep-seated bronchial cough * * * coughing at night * * * earache * * * discharges from the ears * * * Mumps * * * Measles * * * Chicken-pox * * * Scarlet Fever * * * Typhoid * * * Germicide * * * Whooping Cough * * * Scrofula * * * Smallpox * * * hemorrhage of bowels; kills the germs. * * * Contagious Diseases * * * lockjaw, * * * gangrene * * * Blood Poison * * * ;”

Analyses of samples of the product by the Bureau of Chemistry of this department showed that it consisted essentially of hydrastis, plant extractives, methyl salicylate, sugar, alcohol, and water.

Misbranding of the article was alleged in the libels in that the above-quoted labels and circulars contained statements, regarding the therapeutic and curative effects of the article and the ingredients or substances contained therein, which were false and fraudulent in that the said article would not produce the therapeutic or curative effects which purchasers were led to expect by the aforesaid statements, and which were applied to the said article with a knowledge of their falsity for the purpose of defrauding purchasers thereof.

On April 30, 1920, no claimant having appeared for the property, a default decree 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.*

7791. Misbranding of Blue Grass Hog Remedy. U. S. * * * v. * * * of * * * Blue Grass Hog Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10102. I. S. No. 7883-r. S. No. C-1174.)

On May 2, 1919, the United States attorney for the District of Indiana, 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 9 packages of a product, labeled in part “Blue Grass Hog Remedy,” remaining in the original unbroken packages at Danville, Ind., alleging that the article had been shipped about November 12, 1918, by the Bourbon Remedy Co., Lexington,