

On February 5, 1931, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17924. Misbranding of Lanman & Kemp's Pure cod-liver oil, and Lanman & Kemp's Cod Oil Black. U. S. v. 27 Large-Sized Bottles of Lanman & Kemp's Pure Cod Liver Oil, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 25811, 25812. I. S. Nos. 5734, 5735. S. No. 3913.)**

The cod-liver oil and Cod Oil Black from the herein-described shipments having been found to bear in the labeling curative and therapeutic claims that were not justified, the Secretary of Agriculture reported the matter to the United States attorney for the District of Porto Rico.

On January 30, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 27 large-sized bottles and 20 small-sized bottles of Lanman & Kemp's Pure cod-liver oil and 32 large-sized bottles and 25 small-sized bottles of Lanman & Kemp's Cod Oil Black, alleging that the articles had been shipped by Lanman & Kemp (Inc.), New York, N. Y., on or about April 2, 1930, to San Juan, P. R., and were being sold and offered for sale in Porto Rico by J. M. Blanco (Inc.), San Juan, P. R., and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the article labeled "Pure Cod Liver Oil" consisted of cod-liver oil; and that the article labeled "Cod Oil Black" consisted of rancid, dark-colored cod-liver oil.

It was alleged in the libel that the articles were misbranded in that the following statements regarding the curative or therapeutic effects of the said articles, were false and fraudulent, since they contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Cod-liver oil, circular) "The purity and superior medicinal qualities of this article have acquired for it a high reputation \* \* \* in cases of Consumption, Rheumatism, Liver Complaint, &c. \* \* \* One thing is certain, that for the diseases of the Throat, Lungs and Liver, there is no remedy more popular than Pure Cod Liver Oil. \* \* \* It fattens and strengthens the patient as well as acts specifically upon the seat of the disease. \* \* \* relieves indigestion \* \* \* In the hospitals it is considered a standard remedy for diseases of the lungs, rheumatism, liver complaint, and many disorders of the stomach and bowels. \* \* \* is still frequently surprising me by the wonders it occasionally works, even in aggravated and advanced cases of scrofula, mesenteric diseases, pulmonary consumption, chronic pneumonia, pleurisy and chronic rheumatism. \* \* \* interesting cases of Consumption in which this remedy was employed. In all of them great benefit was experienced from its use. Even in the second and third stages of this terrible complaint patients convalesced under its influence. 'In a few days,' says the report, 'the cough was mitigated, expectoration diminished in quantity and opacity, night-sweats ceased, and the pulse became slower and of better volume, and the appetite, flesh and strength gradually improved.' \* \* \* that oil taken when fresh and pure from the cells of the cod's liver, is one of the best agents, medicinal and dietetic, that has ever been prescribed for pulmonary consumption;" (cod-liver oil, translation from circular in Spanish) "Catarrhs \* \* \* malnutrition;" (Cod Oil Black, translation from Spanish label) "A remedy for Phthisis, Asthma, Chronic Rheumatism and Pulmonary Diseases."

On March 7, 1931, 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.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**17925. Misbranding of Vial's phenic syrup. U. S. v. 2 Dozen Bottles of Vial's Phenic Syrup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25660. I. S. No. 5736. S. No. 3942.)**

Examination of samples of a drug product, known as Vial's phenic syrup, from the herein-described shipment having shown that the labels bore claims of curative and therapeutic properties which the article did not possess, and that it was represented to be an antiseptic, whereas it was not, the Secretary of Agriculture reported the matter to the United States attorney for the District of Porto Rico.