

**18044. Misbranding of Cherry's Famous salve. U. S. v. 3 Dozen Large Packages, et al., of Cherry's Famous Salve. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 25877. I. S. Nos. 27811, 27861, 27862. S. No. 4056.)**

Examination of a drug product, known as Cherry's Famous salve, from the shipments herein described having shown that it was represented as complying with the food and drugs act, whereas it did not, and that the box label and accompanying circular contained statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.

On February 10 and February 11, 1931, respectively, the United States attorney filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 6 dozen large-sized and 27 dozen small-sized packages of Cherry's Famous salve, remaining in the original unbroken packages at Philadelphia, Pa., consigned by William E. Cherry, Trenton, N. J., alleging that the article had been shipped from Trenton, N. J., in various consignments, on or about December 26, 1930, and January 22 and February 4, 1931, and had been transported from the State of New Jersey into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of a lead salt of an organic acid, fatty oils, and camphor.

It was alleged in the libels that the article was misbranded in that the statement appearing in the circular, "These goods are guaranteed to comply with the provisions of the Pure Food and Drugs Act," was false and misleading. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing in the labeling, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Box) "Blood Poison, Piles, Burns, Eczema, Felons, Ulcers, Abscesses, All Kinds of Sores;" (circular) For All Kinds of Sores and Skin Diseases \* \* \* Famous salves and remedies, which were formulated by \* \* \* specialist on Blood Poison, Felons, \* \* \* Ulcers, Eczema, Carbuncles, Boils, Pimples, Abscesses, Piles \* \* \* quick relief for Pneumonia, Catarrh, Hay Fever and all kinds of Sores and Soreness. \* \* \* Why does Cherry's Salve make so many remarkable cures? Because it draws out all the poison and corruption and heals from the bottom only \* \* \* [testimonials in circular] Blood poison from running a splinter in her finger; \* \* \* she used \* \* \* and got immediate relief and completely cured. \* \* \* Fell in boiling clay; \* \* \* gave immediate relief and making a complete cure without leaving any scars. \* \* \* Blood poison; refused amputation; \* \* \* used \* \* \* and was completely cured. \* \* \* ran a piece of wire in his hand, causing the worst kind of blood poisoning and swelling his hand \* \* \* got immediate relief and is now completely cured. \* \* \* I was nursing a very sore thumb. \* \* \* pronounced it a bone felon, and so it proved to be. \* \* \* The last time it was lanced blood poison set in, and had gone nearly to my elbow, \* \* \* said it would have to be amputated. I was getting ready to go to the hospital when a friend asked me to try \* \* \* The first application was made about five o'clock in the afternoon, the second at nine o'clock and I went to bed and for the first night in six weeks I had a good night's rest. The next morning the blood poisoning was gone. \* \* \* It not only cured my thumb, but also cured two very bad carbuncles that I had. My little boy ran a rusty nail in his foot and \* \* \* cured it immediately. \* \* \* after running point of scissors in it. Blood poison set in, swelling three times its natural size; refused to have it amputated; then using \* \* \* is completely cured, and wants every person to use \* \* \* immediately and prevent blood poison. \* \* \* Four ulcers on this man's leg were caused by a fall. They were of long standing; blood poison set in; he refused to have an operation performed, and was cured with \* \* \* had his leg run over with a heavy wagon fracturing the bone and causing a sore six inches long and four inches wide. Was in the best hospitals a long time, had his leg operated on several times, had skin grafted on it but it wouldn't heal, then he was discharged as incurable. The sore kept spreading larger all the time until he used \* \* \* which gave him immediate relief and completely cured him. \* \* \* was bitten near through the cheek by a vicious dog. After having it cauterized \* \* \* in four days it swelled to an awful size, turning green and black,

when \* \* \* famous salve was recommended, drawing out all the poison and making a complete cure \* \* \* 6 years old, daughter of \* \* \* who was badly burned by fire. The burn was over twelve inches long and eight inches wide and very deep. For six weeks Lizzie was unable to raise her limb from her stomach. It seemed to be set as she lay in this position so long. Five weeks from the day \* \* \* started to use \* \* \* salve on his daughter she was completely cured. I had blood poison in my thumb twice, and I used nothing but \* \* \* Then my little girl scalded both her limbs, and we again called. \* \* \* My mother had carbuncles which doctors lanced; she had no relief until using \* \* \*. They immediately began to heal, and in a short time she was entirely well. \* \* \* advise anyone suffering from any kind of sores and soreness to use \* \* \* immediately. \* \* \* who was covered all over the head, face, body and limbs with the most terrible kind of sores and unbearable itching for over two years. The parents tried every remedy possible, and best physicians, but got no relief until they used \* \* \* had the skin and flesh burnt completely off her hand and arm from gasoline fire but \* \* \* was used and completely cured her. \* \* \* had 14 abscesses on hip and legs for 4 years. Operated on many times at best hospitals. Unable to stand alone or sleep until he used \* \* \* which gave him immediate relief and completely cured him."

On February 28, 1931, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**18045. Misbranding of Resor-Bisnol. U. S. v. Thirty 1-Ounce Bottles, et al., of Resor-Bisnol. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25882. I. S. No. 12088. S. No. 4027.)**

Examination of a drug product known as Resor-Bisnol, from the shipment herein described having shown that the label bore statements representing that the article possessed curative and therapeutic properties which it did not, the Secretary of Agriculture reported the matter to the United States attorney for the District of Colorado.

On or about February 16, 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 thirty 1-ounce bottles, two 4-ounce bottles, and two half-pound bottles of Resor-Bisnol remaining in the original unbroken packages at Denver, Colo., consigned by the Burrough Bros. Manufacturing Co., Baltimore, Md.; alleging that the article had been shipped from Baltimore, Md., in part on January 3, 1930, and in part on January 28, 1930, and had been transported from the State of Maryland into the State of Colorado, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of resorcin, a bismuth compound, beta-naphthol, salicylic acid, and gallic acid.

It was alleged in the libel that the article was misbranded in that the following statements appearing on the label, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Gastro-Intestinal Antiseptic, \* \* \* Antidiarrhoeal \* \* \* Dose \* \* \* Acute Diarrhoeas \* \* \* Intestinal Dyspepsia, etc., \* \* \* For Children in Acute Diarrhoeas \* \* \* Indicated in Dyspepsia and Indigestion, Gastro-Intestinal Fermentation \* \* \* Nausea and Persistent Vomiting, Pyrosis, Castralgia, Enterocolitis, Cholera Infantum, Intestinal disturbances of Typhoid and Tuberculosis, Ulcer of Stomach, Bacillary and Choleric diarrhoea, and all Catarrhal and Inflammatory conditions of Gastro-Intestinal tract. Especially valuable in Dysentery and Diarrhoea."

On March 24, 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.*

**18046. Adulteration and misbranding of ether. U. S. v. One Hundred 1-Pound Cans of Ether. Default decree of condemnation and forfeiture. Product released to Federal Government. (F. & D. No. 25891. I. S. No. 27851. S. No. 4151.)**

Samples of ether from the shipment herein described having been found to contain peroxide, a decomposition product, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of Pennsylvania.