

Misbranding was alleged for the reason that the following statements appearing in the labeling were false and misleading: (Wrapper inclosing 8- and 16-ounce sizes) "Antiseptic. It Kills the Germ. * * * Antiseptic Lotion;" (wrapper, 4-ounce size) "Antiseptic * * * Antiseptic Lotion;" (bottle, all sizes) "Antiseptic. It Kills the Germ * * * Antiseptic Lotion;" (circular accompanying all sizes) "Antiseptic. It Kills the Germ * * * Antiseptic Lotion * * * is a perfect antiseptic, * * * Dr. E. H. Cole. He has given the world 'Baptisine' by applying Dr. Pasteur's principle of inhibition. 'It is the implanted germ that causes disease. Inhibit the multiplication of these germs and you remove all danger. A gentle antiseptic will as effectually inhibit this multiplication as the dangerous germicides.' * * * To that end this antiseptic has been trade-marked 'Baptisine' * * * Baptisine will permeate everywhere, destroying germ life * * * The Antiseptic With a Thousand Uses." Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article appearing on the bottle label and in the circular, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "For * * * Hay Fever, Catarrh * * * Grippe and Sneezing * * * For Sore Throat, * * * Cuts, * * * and for Surgical and Prophylactic Purposes;" (circular) "Recognized as a Distinct Aid in Preventing Dangerous Infections * * * Directly Beneficial and Promptly Effective in all cases of Coughs, * * * Catarrh or Chronic and Temporary Disorders of the Throat and Nostrils. * * * It is especially adapted to the treatment of all diseases and disorders where the need for a purifying and healing agent is indicated. * * * Heal the Little Hurts * * * For Sore Throat. Baptisine will give immediate relief to inflamed tonsils or throat if used as a gargle or spray. * * * For Cuts and Wounds. * * * For inflamed * * * Eyes. * * * for Hay Fever. Though Hay Fever is such a stubborn disorder to overcome, most cases will readily yield to Baptisine if used frequently * * * Speakers and singers find Baptisine a remarkable aid in keeping * * * the throat tissues free from inflammation. * * * For Nasal Catarrh. * * * For Canker Sores. * * * For Sore Nipples. The cooling and healing action of Baptisine will heal and toughen the nipples."

On May 21, 1931, no claimant having appeared for the property, judgment was entered finding the product subject to confiscation and forfeiture, and it was ordered by the court that the said product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18344. Misbranding of Alertox and Alco Pain Killer. U. S. v. 6 Cartons of Alertox, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26175. I. S. Nos. 14570, 14571. S. No. 4477.)

Examination of samples of the drug product herein described having shown that the labeling bore statements representing that the articles possessed curative and therapeutic properties which they did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Florida.

On April 8, 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 six cartons, each containing six combination packages of Alertox and Alco Pain Killer, remaining in the original unbroken packages at Tampa, Fla., alleging that the articles had been shipped by Alertox (Inc.), from Atlanta, Ga., on or about September 26, 1930, and had been transported from the State of Georgia into the State of Florida, 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 Alertox consisted essentially of Epsom salt (23 per cent), sodium phosphate, sodium acid phosphate, water, and flavoring material; and that the Alco Pain Killer consisted of kerosene, ether, and volatile oils such as methyl salicylate, mustard oil, turpentine oil, and camphor 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 articles, appearing in the labeling, were false and fraudulent, since they contained no ingredients or combinations of ingredients capable of producing the effects claimed: (Alertox, shipping carton) "Alertox, Physical Fitness, Mental Effi-

ciency;" (Alertox, carton) "Indigestion;" (Alertox, small booklet contained in carton for Alco Pain Killer) "Alertox, Physical Fitness, Mental Efficiency. * * * This booklet is placed in your hands with the hope that, through a simple understanding of why and how we get sick, you will, by following equally simple rules, be able to keep your mind and body fit for the ever-increasing duties present-day living imposes. * * * Very frequently nature is over-taxed, either through improper diet, over-eating, or occasionally from some foreign substance entering the stomach, and it is during such conditions that nature, as hard as it tries, cannot cope with the tremendous amount of overwork necessary to eliminate these excess accumulations of putrid matter. So you may easily understand that when this condition comes about, these thousands of little folds and crevices cannot help but become clogged with undigested food matter, and, undigested food matter remaining in these folds, soon becomes decayed and throws off violent poisons, which through the blood stream, find their way into the entire system. These poisons, being disseminated by the various organs of the body, usurp a tremendous amount of nerve, brain and muscle energy; therefore, languidness, which is a sluggish, dull and no-energy feeling, is always a warning that nature needs assistance. Nature does its best to maintain a germ-free system for you, but a continuous over-taxing will soon break down the most rugged resistance, and, in time, induce serious illness. You can keep your system clear of this dangerous condition by simply aiding nature to sweep away the accumulation of poisons; dislodge the stagnant matter in the folds of the intestines and stomach walls, and encourage the liver to become more active. To clear away this clinging refuse matter * * * there is nothing better than a good * * * saline eliminant. Alertox * * * one of the most effective, * * * saline eliminants * * * Alertox, by reason of its slight accumulative action, may be used in decreasing doses until a normal condition is restored. The regular use of Alertox before breakfast induces healthy elimination, with a tendency to maintain the liver, kidneys, and bowels in their normal working order, insuring good health day in and day out. * * * Alertox as an aid in the treatment of numerous ailments, and as a general health preserver, * * * The principal active ingredient of Alertox possesses such important properties * * * makes its employment especially valuable in the treatment of many ailments * * * one of the outstanding requirements, even with professional treatment of any physical disorder, is that of clearing the stomach and intestinal tract of toxic poisons * * * the regular use of Alertox will insure a proper hygienic condition of the alimentary tract, thus preventing diseases that might otherwise develop from the absorption of accumulated stagnant waste matter. * * * Flushing the system thoroughly with a good liquid saline product is the safest and the most effective method of treating any form of constipation. Take Alertox as follows: * * * Biliousness. Biliousness—or toxemia * * * is simply a condition denoting an abundance of systemic poisons. The liver is supposed to prevent this condition, but where there is actual constipation, wrong eating, drinking or irregular habits, the liver becomes over-taxed, thereby allowing more poison to accumulate in the system than is thrown off. Biliousness, if allowed to continue, almost invariably brings on some kind of illness and no time should be lost in coming to the aid of nature with some safe, efficient and reliable eliminant. It is best to treat this condition over a period of two or three days than to simply take some violent, one-day treatment, for such treatments seldom do more than partially clear up the poisons that have accumulated. Take Alertox as follows: * * * Indigestion * * * acids, gas, etc., and if you will eliminate these you'll have no indigestion. This you can do, * * * with Alertox, and in addition keep the stomach sweet and system alkaline. * * * In acute attacks, one tablespoonful * * * Chronic cases, two to three teaspoonfuls * * * For the 'Morning After.' When you wake up in the morning after the night before, with a sluggish body, cobwebby brain and aching head, take two teaspoonfuls of Alertox in a full glass of water, and in 30 minutes you'll feel a most delightful sensation of returning physical and mental vigor, and that raging headache will be gone. Try it and see! High Blood Pressure, High Blood Pressure is both functional and organic, often produced by over-eating or mental strain, while constipation and biliousness are both underlying causes. In either case Alertox while not designed to supplant the physician, will, through a process of elimination, thoroughly cleanse the system of its impurities and tends to reduce pressure in the veins and arteries by carrying out, through the intestinal tract, excess water

in the system which the sweat glands have failed to secrete. Some of the symptoms of high blood pressure are dizziness, headaches, palpitation, languidness and so on, and if you have noted any of these symptoms with yourself, don't delay starting the Alertox treatment, beginning with two teaspoonfuls in a full glass of water before breakfast. Do this regularly for several days, then reduce the dosage or frequency as your condition may warrant. After a few doses you will note a decided improvement in your condition, because Alertox removes, in one action more poison bile from the system than any other known formula, leaving you buoyant, vivacious and alert. * * *

Alertox * * * the most fitting laxative for nursing mothers, keeping, as it does, the milk free from toxic poisons and strengthening it by dispelling its watery content, thus allowing baby to get rich, pure and wholesome breast milk, which is so necessary to baby's health and growth. **How To Keep in Good Health.** * * * the human body is nothing more or less than a machine—a machine of the most delicate nature—and unless you keep it thoroughly cleansed of stagnant, waste matter you cannot, must not, expect it to run smoothly and function perfectly. How often do you take the time and trouble to flush your bowels and kidneys—unless you feel badly? Never! You wait until you are practically down and out, then you are physically and mentally out of commission for several days—laid up for repairs. If you want to keep well, enjoy life while you are living and actually live longer, simply take the ordinary precautions with your body that you would take with any other piece of machinery—keep a bottle of Alertox in your medicine cabinet, and every morning or so take from one to two teaspoonfuls * * * You may not feel the need of it right then—it may look foolish for a perfectly well human being to 'dose up,'—but it is the only safe, sure road to perfect health that isn't marred by detours. Try it any way, and if you will, you have our guarantee, backed by reliable chemical and medical authority, that a new day of health has dawned for you. Simple directions for Bewitching Beauty. If you really want a smooth, rosy, velvety complexion, you must begin at the very foundation by eliminating from the system that long accumulation of contamination. * * *

Take just one teaspoonful of Alertox, in a full glass of water, drinking as a beverage, before breakfast every morning. * * * if these suggestions are persisted in for ten days or two weeks, * * * you will have a far more beautiful complexion, * * * that is not all Alertox accomplishes—while it is clearing up your complexion it is, at the same time, improving your health by putting your entire system to rights, so;—you will not only look better, but you will feel better, too! Try this, for your complexion's sake;" (booklet contained in shipping package entitled "Health and Beauty at Last")

"Health and Beauty at Last! Glorious, Wonderful Pain-Free Health * * *

Uses for Alertox * * * **Biliousness,** * * * **Indigestion** * * * **Acidosis** * * * **High Blood Pressure** * * * **Headaches** * * * **Toxic Conditions** * * * **Nursing Mothers** * * *

'there is but one cause for all diseases regardless of the name of the disease,' and that 'diseases always arise from one and the same source—the pressure of foreign or waste matter in the system, and, without these disease-producing elements, there can be no disease.' * * *

This waste matter, or undigested food and drink, which the body retains for the lack of proper eliminative facilities, lays the foundation for all diseases, and this waste matter invariably finds its way into the blood, or into those organs which are the weakest and offer the least resistance. **How To Keep in Good Health:** * * * After all, the human body is nothing more or less than a machine—a machine of the most delicate nature—and unless you keep it thoroughly cleansed of stagnant, waste matter you cannot, must not expect it to run smoothly and function perfectly. How often do you take the time and trouble to flush your bowels and kidneys—unless you feel badly? Never! You wait until you are practically down and out, then you are physically and mentally out of commission for several days—laid up for repairs. If you want to keep well, enjoy life while you are living and actually live longer, simply take the ordinary precautions with your body that you would take with any other piece of machinery—keep a bottle of Alertox in your medicine cabinet, and every morning or so take from two to three teaspoonfuls, drinking as a beverage * * * You may not feel the need of it right then—it may look foolish for a perfectly well human being to 'dose up,'—but it is the only safe, sure road to perfect health that isn't marred by detours. Try it any way, and if you will, you have our guarantee, backed by reliable chemical and medical authority, that a new day of

health has dawned for you. * * * So, in almost every instance, just before a 'spell,' we begin to feel tired, nervous and good-for-nothing; our minds do not function properly; or maybe we have a pain here and there, in the head, chest, muscles and so on, all originating from one common source as previously explained. In this way we are forewarned that there is danger ahead—simply Nature's way of asking us to do something for it—and if prompt action is taken when these warning signals are sent out, many a long, hard spell would be avoided. * * * 'There is no other drug which has such a wide range of usefulness, and if its virtues were generally known far more of it would be used, and if everything were sold on the strength of its usefulness and merit, this drug would bring about \$10.00 a pound, compared to the price of other drugs.' The drug thus commented on * * * is the principal ingredient in Alertox, * * * There are two kinds of pain, one produced externally from injury, the cause of which being definitely known is easily treated; and pains that are produced from internal causes, and these, while manifesting themselves in many ways and forms, almost invariably arise from one single cause, that of faulty assimilation and improper elimination. You have a headache, you have what is called 'indigestion,' your skin will itch, pimples and other eruptions will appear, your eyes grow dim at times, and so on. These are 'internal origin pains.' But, what causes them? Let's begin at the beginning—with your food. * * * This undigested food finds its way into the thousands of little folds and crevices in the intestinal tract, there putrefying, is then taken up by the blood stream and carried into the system, spreading pain and poison in its wake. Or, if you eat too rapidly—'bolt your food'—the same thing takes place in your digestive mechanism as what would happen should you throw a monkey wrench into any other piece of machinery, and the putrefication process begins, with the same disastrous result as explained above. * * * So in the last and final analysis every disease and bodily derangement known to mankind; the cause of internal origin pains can be traced directly or indirectly to the imperfect elimination of waste matter from the human system, and the next thing to determine is the best, safest and most satisfactory method of producing this elimination without upsetting nature itself, and the answer is brought to you in Alertox. * * * The liver, stomach, bowels, kidneys, digestive tract and so on, just like our eyes, need assistance, and right here is where grave mistakes are often made, by taking something that produces elimination all of its own accord, instead of something that renders assistance to nature, thus allowing nature to do her own work. You do not see 'through' your glasses, but 'with' them. So it is with Alertox—you do not get results 'through' but 'with' this wonderful preparation, * * * While Alertox lays no claim to unlimited curative powers, * * * it is based on accurate * * * medical knowledge * * * In addition to its laxative and cathartic qualities for minor disorders and for generally preserving health, the principal active ingredient in Alertox possesses such very important properties as to give it an unusually wide scope of usefulness, * * * suggest to any mind the exclusive use of Alertox for the upkeep of the family's good health. The safety and harmlessness of Alertox renders its use particularly desirable for children * * * Biliousness; Biliousness, or 'toxæmia,' * * * is simply a general poisoning of the entire system, * * * The Liver and Kidneys are supposed to prevent biliousness but, when we indulge in improper eating and drinking, irregular habits or unusual mental strain, these secretive organs of the body are overtaxed and cannot cope with the extra burden placed upon them. Biliousness, if allowed to continue, almost always brings on other and more serious illness, and no time should be lost in coming to nature's aid with Alertox. * * * your entire system rejuvenated and you are back to normal, feeling buoyant, vivacious and full of energy. Indigestion: * * * 'There is no one drug, or combination of drugs, I have ever used that will give as quick results in cases of indigestion or ptomaine poisoning as a teaspoonful of this drug and a teaspoonful of sugar in a half glass of water. In some cases it may be necessary to repeat in a half hour, but usually one dose will do the work.' Indigestion gives no warning, but strikes quickly, so it is advisable to keep a bottle of Alertox on hand, * * * Acidosis: * * * As a result, you have a disturbed heart action, such as palpitation or pounding and skipping; short breath; pains around the heart, chest, shoulders and arms, with a distension of the abdomen, resulting in belching or flatulency. Alertox is peculiarly fitted to correct an acid condition, because of its two-fold action * * * also alkalines the system, bringing ready and comfortable relief in an astonishingly short time. * * *

Run the finger nails along the flesh, on any part of the body (just like you were scratching) and if they leave the skin reddened, it is almost a sure sign of over acidity. A teaspoonful of Alertox in a glass of water before breakfast every morning, taken as a beverage if you like, will positively correct this condition. High Blood Pressure: This insidious ailment that slowly, almost imperceptibly steals your health away, is now being viewed with alarm by the medical profession, not only because of its dangers, but because it is increasing at an alarming rate, and creeps up on a patient almost before one realizes it, becoming perilous before anything is done. But this condition, like any other, is easily conquered when taken at the right time. * * * The cause of high blood pressure can be traced to several sources, among the most prevalent, however, being that of overeating and faulty elimination, while mental strain also is a tributary cause, showing that high blood pressure is both functional and organic. * * * Some of the more common symptoms of high blood pressure are dizziness, headaches, heart palpitation, languidness, cold hands and feet, disturbed sleep, loss of power to concentrate the mind, and so on. These self-same symptoms often indicate a toxic condition (which goes hand in hand with high blood pressure), and so few people take the care to differentiate the two. * * * High blood pressure, whether it be functional or organic, may be relieved by Alertox, which through a process of elimination, not only cleanses the system of its impurities, but tends to reduce the pressure in the veins and arteries by carrying out, through the alimentary tract, that excess water content in the blood which is ordinarily secreted through the sweat glands. After the first dose or two of Alertox you will note a decided improvement, not only in reducing blood pressure, but also in your general health, removing as it does in one action, more poison bile from the system than any other known formula, leaving you buoyant, vivacious and alert, and clearing up muddy, blotchy complexions. Headaches Due To Inactive Liver: * * * Headaches from this cause can invariably be relieved within an hour or so with Alertox which immediately sets to work an eliminative process, and by ridding the body of its poisonous accumulations, banishes the headache. * * * Toxic Conditions: This is indicative of a condition of the human organism, brought about either by imprudent eating, failure of the digestive organs to assimilate certain foods, functional derangement of the liver, intestines or kidneys. In brief, whenever an abnormal state exists from the effects of poisons having been generated in the stomach or intestines, absorbed into the organs and tissues through the blood, and failure to eliminate such poisons through the natural channels. In such cases, nature must be assisted, which is done with Alertox in a manner satisfactory to the patient and agreeable to the system. * * * In all toxic conditions there is no substitute for Alertox, working as it does with nature and bringing prompt, pleasant and effective relief. Pregnancy: * * * is especially recommended for women during pregnancy periods, because it is not absorbed into the system and therefore cannot possibly cause injury, * * * Then, too, the principal ingredient in Alertox has been found to actually improve the quality of mother's milk, subtracting as it does the excess water content from the system, leaving the milk purer and richer, * * * if you really want a smooth, rosy, velvety complexion, you must begin at the very foundation by eliminating from the system that long accumulation of contamination, * * * of all means now at hand, there is none better than the regular and continuous use of Alertox. This preparation (which may be had at any drug store) should be taken as a beverage every morning, before breakfast, * * * It is delightful to take, and will correct all toxic conditions, carrying out, through the intestinal tract, the excess water content in the veins, leaving the blood rich, red and pure—that's where you get your color back in the complexion. Simple Directions for Bewitching Beauty * * * you will have a far more beautiful complexion, because it will be natural and not artificial; rosy and not pallid; smooth instead of rough; and free from pimples and blemishes. * * * but that is not all Alertox accomplishes—while it is clearing up your complexion it is, at the same time, improving your health by putting your entire system to rights, so, you will not only look better, but you will feel better, too! Try this, for your complexion's sake. For the 'Morning After.' When you have had a 'wild night'—either at a party, getting to bed late or just couldn't sleep and your body is lazy and sluggish; your brain is full of cobwebs and won't function; take two teaspoonfuls of Alertox in a full glass of water and in thirty minutes you'll feel a most delightful sepsation of returning vigor, physical and mental,

and that dull, nagging headache will be completely gone. Alertox is recommended for removing any cause that produces physical or mental fatigue. The Safety of Alertox: This preparation is warranted to contain nothing of a harmful nature whatever—no dope or habit-forming drugs—nothing that is in any way injurious to the most delicate system * * * The Opinion of an Eminent Doctor * * * To Whom It May Concern: * * * I have used this preparation extensively on one of my own children during the Acute and later during the Chronic state of Infantile Paralysis and at times when she could not retain any form of medicine on her stomach I have found that she readily took and retained Alertox with very gratifying results * * * Alertox, Physical Fitness, Mental Efficiency. [Design showing an emaciated individual with pale thin blood, and of a healthy individual with rich red blood and the statement, 'How Alertox Acts' with arrows pointing from one picture to the other.];" (white circular contained in carton for Alco Pain Killer, and also folded in booklets "Health and Beauty at Last") "The Cause of Pain. There are two kinds of pain, one produced externally from injury, * * * and pains that are produced from internal causes, and these, while manifesting themselves in many ways and forms, almost invariably arise from one single cause, that of faulty assimilation and improper elimination. You have a headache, you have what is called 'indigestion,' your skin will itch, and so on. These are 'internal origin pains.' But what causes them? Let's begin at the beginning—with your food. * * * undigested food finds its way into the thousands of little folds and crevices in the intestinal tract, there putrefying, is then taken up by the blood stream and carried into the system, spreading pain and poison in its wake. Again, mental worry and strain frequently have an ill effect upon the digestive tract, ending up in a clogged-up, poisoned system. Then, too, we find ourselves 'constipated' or suffer a bilious attack, which is nothing more or less than the self same condition about which we are talking. So in the last and final analysis every disease and bodily derangement known to mankind, the cause of 'internal origin' pains can be traced directly or indirectly to the imperfect elimination of waste matter from the human system; and the next thing to determine is the best, safest and most satisfactory method of producing this elimination without upsetting nature itself, and the answer is brought to you in Alertox;" (Alco Pain Killer, carton) "That Penetrates to the Nerve and Bone * * * for the Relief of Pain in cases where prompt and soothing relief is needed for Rheumatism, Sciatica, Lumbago, Neuralgia, Headache * * * Colds in the * * * Throat or Chest, * * * Snake Bites. * * * Pain Killer * * * That Penetrates to the Nerve and Bone * * * for the Relief of Pain in cases where prompt and soothing relief is needed for Rheumatism, Sciatica, Lumbago, Neuralgia, Headache * * * Colds in the * * * Throat or Chest, * * * Snake Bites. * * * Rheumatism;" (Alco Pain Killer, bottle) "Pain Killer * * * Rheumatic and Sciatic Pains, Lumbago, Stiff or Swollen Joints, * * * Headache, Colds in the * * * Throat or Chest, * * * Snake Bites. * * * Apply freely to the parts affected;" (white circular contained in carton for Alco Pain Killer and also folded in booklets "Health and Beauty at Last") "Pain Killer * * * healing Liniment, for External use only in the Relief of All Kinds of Pain. Alco liniment penetrates directly and quickly to the bone and the nerves. It is a Little Doctor in the home, * * * For the relief of Rheumatism, Sciatica, Lumbago, Stiff or Swollen Joints, Weak Backs, Etc. * * * For * * * Swellings, * * * Inflammation, Etc. * * * For Headache, Neuralgia, Etc.—Apply to the temples with fingers * * * also to back of neck at base of brain; then pour a little of the liniment on the hands, rub briskly together to cause heat and, cupping the hands, sniff fumes up the nostrils. This will usually relieve the worst kind of headache in a few minutes. For Colds in the * * * Throat or Chest.—Put a small quantity of Alco liniment in steaming hot water and inhale fumes, which * * * relieves the congestion and promptly Clear up * * * the throat. In case of throat or chest colds, apply hot towels to open up pores, dry thoroughly, then spread liniment over surface of skin without binding. * * * For * * * Snake Bites.—Apply liniment as indicated in the case of * * * Swellings, etc. For Snake Bites, place neck of bottle or with some liniment in a container having wider neck and invert over wound. Venom will come out into liniment. * * * For Sore Corns.— * * * Constipation, Biliousness, Indigestion and such-like common disorders are the fundamental causes of Rheumatism,

Kidney Trouble and so forth. Write for our free booklet entitled 'Health,' which tells in plain, understandable language just How and Why We Get Sick."

On May 27, 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.*

18345. Misbranding of Bering ear oil. U. S. v. 27 Bottles of Bering Ear Oil. Default decree of destruction entered. (F. & D. No. 25069. I. S. No. 6107. S. No. 3340.)

Examination of a product, known as Bering ear oil, from the shipment herein described having shown that the bottle and carton labels and the accompanying circular bore 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 Western District of Missouri.

On August 22, 1930, 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 bottles of Bering ear oil at Kansas City, Mo., alleging that the article had been shipped by Heide & Sons, from St. Paul, Minn., on or about July 17, 1930, and had been transported from the State of Minnesota into the State of Missouri, 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 bland oil containing a small proportion of methyl salicylate.

It was alleged in substance in the libel that the article was misbranded in that the following statements appearing on the carton and bottle labels and in the circular, 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: (Bottle) "Defective Hearing? Buzzy and Noisy Ears? * * * Stiff and hard feeling Ears? Painful and aching Ears? Then use Bering Ear Oil;" (carton) "Ear Oil * * * Ears need attention and care and must be at their best to stand modern high pressure life. Ears get stiff, itchy and hard and so lack pliability, likewise get dull and noisy. * * * For Defective Hearing * * * Buzzy and Noisy ears * * * Earache;" (circular) "Ear Oil * * * Have you buzzing and noisy Ears—then use Bering Ear Oil. Have you defective hearing—then use Bering Ear Oil. * * * Have you Ear ache—then use Bering Ear Oil. * * * Ear Oil * * * In painful ears a few drops, warmed in a teaspoon, help. * * * Human hearing apparatus consists of ear canal and ear drum, like a tough hide or leather, with three bones and joints. These all need to be supple and movable, Bering Ear Oil used in the ears helps tremendously. Often the hearing improves and ringing disappears. Bering Ear Oil is for this purpose and is readily absorbed by the various ear membranes. * * * Get the most out of your ears. Ears need attention and care and must be at their best to stand modern high pressure life. Ears get stiff, hard, and so lack pliability—likewise get dull and noisy."

On June 3, 1931, no claimant having appeared for the property, judgment was entered finding the product misbranded, and ordering that it be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18346. Misbranding of Dr. Whitehall's rheumatic remedy. U. S. v. 3 Dozen Packages of Dr. Whitehall's Rheumatic Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25344. I. S. No. 11626. S. No. 3609.)

Examination of a drug product, known as Dr. Whitehall's rheumatic remedy, from the shipment herein described having shown that the carton label bore 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 Northern District of California.

On November 24, 1930, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 3 dozen packages of Dr. Whitehall's rheumatic remedy, remaining in the original unbroken packages at San Francisco, Calif., consigned by