

Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing in Spanish on the carton and jar labels and in the accompanying circular, were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton) "Lumentol The Marvelous Ointment King of diseases of the skin. Recommended against inflammation \* \* \* of the skin, hemorrhoids. Destroys the animal and vegetable parasites. \* \* \* Of marvelous results against: Eczema, Tumors, Ulcers, Pimples, Abscesses, Boils, Whitlows, Tumors in the armpits, Pustules and other Affections of the skin;" (jar) "Ointment 'Lumentol' \* \* \* Of marvelous results against: Eczema, Tumors, Ulcers, Pimples, Abscesses, Boils, Whitlows, Tumors in the armpits, Pustules and other Affections of the skin;" (circular) "Ointment 'Lumentol.' This marvelous ointment, miraculous creation, has been used by the author for over ten years in numerous cases of affections of the skin, having obtained positive results, and in many cases avoiding surgical intervention. We are indicating herewith the cases in which this ointment has given magnificent results, and also in all general cases of affections of the skin. Boils \* \* \* Pustules, Groins, Ringworms, Eczema, Ulcers, Carbuncles, Boils, Tumors in the Armpits, Abscesses, Tumors \* \* \* observe a diet in accordance with the seriousness of the affection \* \* \* because of its medicinal and curative properties and because of the magnificent success obtained during ten years of continuous use in the treatment of all the affections of the skin."

On November 28, 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.*

**19045. Misbranding of Kelpor. U. S. v. 4½ Dozen Boxes, et al., of Kelpor. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 26716, 26717. I. S. Nos. 22269, 22270. S. Nos. 4823, 4824.)**

Examination of the drug product Kelpor showed that the circular accompanying the article contained statements representing that it possessed curative and therapeutic properties which, in fact, it did not possess. It was also claimed for the article that it was a natural food and medicine combined, whereas it was not.

On July 2, 1931, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of five and two-thirds dozen boxes of the said Kelpor, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by P. A. Tucker, from Portland, Oreg., in part on or about September 17, 1930, and in part on or about March 15, 1931, and had been transported from the State of Oregon into the State of Washington, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the article by this department showed that it consisted essentially of mineral matter, mainly aluminum silicate and iron oxide with small proportions of other iron and magnesium compounds, including sulphate and phosphate, and traces of calcium compounds and sulphur.

It was alleged in the libels that the article was misbranded in that the following statements appearing in the circular accompanying the article were false and misleading: "H. H. Brooten's Mineral \* \* \* The natural food and medicine combined." Misbranding was alleged for the further reason that the following statements appearing in the said circular, regarding the curative and therapeutic effects of the article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Testimonials) "'Greatly benefits sugar diabetes. I had been suffering with Sugar Diabetes for about ten years. My toes were sloughing; I had lost all my toe nails, and it looked as if my toes would come off. I was unable to walk or sit up and was eating very little. Two weeks after using Brooten's Mineral, my feet were healed and I could walk a few steps. The sugar disappeared and I am now able to eat anything I wish \* \* \* I have used Brooten's Mineral for two years for infection, and in my opinion was greatly benefited by using it. \* \* \* I was confined to my bed for one and one-half years with anemia. I was given thirteen blood transfusions but got no better. I tried H. H. Brooten's Mineral. In less than 48 hours I began to perspire and my internal heat was gone. My appetite began to improve and in forty days my blood test showed 60 per cent. I recommend Brooten's Mineral for run down physical condition. \* \* \* I was suffering with a sore leg for many

years. Sometimes it would swell up double in size and at times would break out in big sores that would burn like fire and many hard lumps started from my groin down to my knee, and I felt I was going to my end pretty fast. I tried all kinds of salve and liniment and doctors, but it only got worse. I heard of H. H. Brooten. After my stomach was healed my legs and the lumps in my groin healed, too, and now I am enjoying the best of health. \* \* \* I suffered for two years from gastritis. Doctors called it ulcer of the stomach. I had an operation but got worse instead of better. Then I tried Brooten's Mineral. I gained 40 pounds and am now well and active, running my dairy farm. \* \* \* I had been suffering with a sickness that I could hardly explain. At times I had rheumatism, then again my stomach was so badly out of order that I hardly knew what to eat, and I can say I never felt well. I enlisted for Siberia and was there several years, but the army life proved to be more than I could stand and when I landed in the U. S. again, I was a total wreck. A friend of mine informed me about Mr. H. H. Brooten's wonderful treatment and remedy, which I took for the required time. I am the happiest man in the world to know that I have no constitutional disease in my system at all, and my health is in perfect condition. \* \* \* I was suffering with a pain in my left side so that I could hardly walk and had to leave my work at the telephone switchboard. I sought medical aid, but to no avail. The muscles and nerves pulled me over to one side and I had to walk with a cane. I took H. H. Brooten's treatment and got better right along. In three weeks I was in the best of health and took up my work. I will say that H. H. Brooten saved my life. \* \* \* I wish to express my thanks to Mr. H. H. Brooten for the great benefit I received from his wonderful treatment for a severe womb trouble from which I suffered many years. But it lasted only a few days when I took baths and treatments. The result was that two tumors were removed from the womb without any noticeable pain from the effects, and I am now in good health. \* \* \* I had a sore on my face for about 12 years. I consulted three doctors and had received no benefit from their treatment. I used Brooten's Mineral. It healed the sore entirely, and it has remained healed. \* \* \* My ailment was diagnosed as stomach trouble. I have been using Brooten's Mineral for six weeks and in my opinion am greatly benefited from using it.' \* \* \* Brooten's Mineral is not a physic but is corrective in its action."

On October 23, 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.*

**19046. Misbranding of Jones' liniment. U. S. v. 2 Dozen Small-Sized Bottles, et al., of Jones' Liniment. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 26075. I. S. No. 15796. S. No. 4251.)**

Examination of the drug product Jones' liniment having shown that the bottle and carton labels and an accompanying circular contained statements representing that the article possessed curative and therapeutic properties which it did not possess, the Secretary of Agriculture reported to the United States attorney for the District of Massachusetts the interstate shipment herein described, involving a quantity of the product located at Boston, Mass.

On March 20, 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 2 dozen small bottles and 1½ dozen large bottles of Jones' liniment, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the M. Spiegel Medicine Co., from Albany, N. Y., on or about January 27, 1931, and had been transported from the State of New York into the State of Massachusetts, 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 petroleum distillate such as gasoline, methyl salicylate, pine-tar oil, camphor, and capsicum oleoresin.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing in the labeling, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label) "For the Treatment of Rheumatism, Neuralgia, Headache, Backache, \* \* \* Lameness, Bunions, Coughs, Colic and All