

mately 7.7 grains of ergot; and each of the carpules in one lot was represented to contain 0.022 gram (one-third of a grain) of procaine and 0.00005 gram (one twelve-hundredth of a grain) of epinephrine, whereas each of them contained not more than 0.0175 gram, i. e., approximately four-fifteenths of a grain of procaine and not more than 0.000025 gram, i. e., approximately one twenty-six thousandth of a grain of epinephrine.

Misbranding was alleged for the reason that the following statements appearing in the label of the respective products were false and misleading, since the carpules contained, in each instance, a smaller quantity of the declared drug than represented: "Carpule Morphine Sulphate 0.016 Gm. ($\frac{1}{4}$ Gr.);" "Carpule Caffein and Sodium Benzoate 0.49 Gm. ($7\frac{1}{2}$ Gr.);" "Carpule contains 0.032 Gm. ($\frac{1}{2}$ gr.) soluble Iron Arsenite, equivalent to 0.005 Gm. ($\frac{1}{2}$ gr.) metallic iron and 0.00045 Gm. (1/140 gr.) arsenious acid;" "Carpule Nitroglycerin 0.0013 Gm. (1/50 gr.);" "Carpule * * * Nitroglycerin 0.00065 Gm. (1/100 Gr.);" "Carpule Strychnine Sulphate 0.002 Gm. (1/30 Gr.);" "Carpule Cocaine Hydrochlorid 0.016 Gm. ($\frac{1}{4}$ Gr.)" "Ergot 2 Gm. (31 Gr.) * * * carpule;" "Carpule Morphine Sulphate 0.032 Gm. ($\frac{1}{2}$ Gr.);" and "Carpule contains Procain 0.022 Gm. ($\frac{1}{4}$ Gr.) and Epinephrin 0.00005 Gm. (1/1200 gr.)."

On January 25, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$750.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19376. Misbranding of Mike Martin's Liniment. U. S. v. 364 Dozen Packages, et al., of Mike Martin's Liniment. Decree of condemnation with provision for release under bond. (F. & D. No. 27671. I. S. No. 42901. S. No. 5696.)

Examination of samples of Mike Martin's liniment from the shipment herein described having shown that the bottle and carton labels and an accompanying circular contained statements representing that the article possessed curative and therapeutic properties which in fact it did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On January 18, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 364 dozen small and 32 dozen large packages of the said Mike Martin's liniment, remaining in the original unbroken packages at Atlantic City, N. J., alleging that the article had been shipped by Vasco Products (Inc.), Brentwood, Md., in part on or about September 4, 1931, and in part on or about September 11, 1931, and had been transported from the State of Maryland into the State of New Jersey, 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 volatile oils (11 per cent), including methyl salicylate, and capsicum oleoresin incorporated in a fatty oil.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the 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) "This Liniment * * * stimulates circulation, reduces congestion or inflammation * * * Rheumatism—(All Kinds). * * * Stomach Cramps— * * * Stiff Neck— * * * Ear-ache;" (carton) "Recommended for Relief of Pain Caused by * * * Stiff Neck, Swollen Joints, Rheumatism, * * * Lame Back, Lumbago, Congestion. * * * [Testimonial] 'My knee was seriously injured and I attribute my recovery exclusively to the use of Mike Martin's Liniment;'" (circular) "Your Aches, Pains, Rheumatism, Etc., Can Be Banished * * * for their aches, pains, swollen stiff joints, lame back, etc., * * *. Some of the Stars of today are often feeling achy, lame, stiff, old and rheumatic, yet to see them prancing out onto the ball field full of pep and youthful spirits you'd never dream they ever had an ache or pain, in their lives. You folks who in damp, cold weather feel achy, rheumatic or stiff, or after a little exercise become lame, take a tip from me. * * * get somebody * * * to rub you thoroughly with the liniment we use at the ball park— * * *. If you have * * * it vanishes like magic along with all signs of pains, stiffness, ache and lameness due to rheumatism, etc. * * * Mike Martin's Liniment puts * * * health-glow and a tingle of youthful

vitality into those old muscles, tendons, joints, back and limbs of elderly people. * * * [Testimonial] * * * 'Aches and pains. * * * Senators, Diplomats—even a recent President when stricken * * * on how to treat various aches, pains' '* * * chills, stiffness, lame muscles.' * * * Women Find Liniment Is Fine For Lame Back * * * [Testimonial] 'If women with lame, achy backs knew how easily they might get rid of such troubles with Mike Martin's Liniment— * * * When you feel achy, stiff, sore all over * * * old age— * * * You sleep so sound and next morning wake up supple, spry, refreshed and vigorous as a girl.' * * * 'It's the best * * * for * * * achy, stiff joints.' * * * Stiffness, Swollen Joints * * * Aches And Pains Caused By Rheumatism, Lumbago—Sciatica, Neuritis * * * An Ache Or Pain * * * [testimonials] '* * * for aches, pains, stiffness, etc.' * * * 'Anybody who * * * finds their * * * legs, arms, or shoulders, achy, stiff, sore, or rheumatic should get Mike Martin's Liniment.' * * * Rheumatic Pains Sciatica and Lumbago Sudden, sharp, excruciating pains in loin, hip, thigh, or lower part of the back are generally diagnosed by doctors as Lumbago or Sciatica Symptoms. * * * If pains are in limbs, arms, fingers or shoulders, * * * Neuritis Neuritis is said to be an inflammatory condition of the Nerve trunk and I treat it exactly the same as Sciatica or Lumbago except I rub gently and insist upon the sufferer taking a complete rest to overcome the nervous condition, if any exists. * * * and Sciatica * * * Rheumatic Joints If joints of arms, wrists, ankles, knees or neck are swollen, red, sore, stiff. * * * Repeat a couple of times when necessary to completely reduce swelling, stiffness or redness. Inflammatory Rheumatism This dangerous, painful form comes at its worst after exposure to wet or cold and usually brings fever, swelling, redness and agonizing pains at the slightest movement. * * * Persistent, chronic rheumatism isn't accompanied by fever but is bad enough with its pain and swollen, stiff achy joints * * * For Stomach Cramps * * * Stiff Neck * * * Sore, achy * * * Joints * * * has sore, achy, stiff * * * joints, * * *. Apply * * * to those * * * joints * * * achy, stiff, sore and swollen * * * Coughs * * * For * * * deep-seated coughs, bronchial, asthmatic or catarrhal troubles, sore chest, wheezing lungs, etc., * * *. All phlegm, irritation, congestion * * * vanish. * * * it keeps you * * * free of * * * coughs. * * * Bronchial Colds Difficult breathing and wheezing, whistling sounds when sleeping at night are symptoms of asthmatic, bronchial troubles and the irritating cough and spitting up of phlegm is annoying. Many become unduly alarmed at such symptoms, but a good rub with Mike Martin's Liniment on chest and throat each night for awhile and a few drops swallowed on a lump of sugar or straight each time, soon gets the system back in shape. * * * assists nature to throw off such troubles. * * * [Testimonials] 'I had a touch of what looked like rheumatism in my hip recently but Mike's Liniment fixed me up quick, just like it does all kinds of pains.' * * * 'It's positively amazing what that Liniment will do for aches, pains * * * or stiffness.'"

On February 16, 1932, the Mike Martin Liniment Co., having appeared and filed a claim and answer, judgment of condemnation was entered. The decree provided that the product might be released to the claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned that it should not be sold or disposed of contrary to the provisions of the Federal food and drugs act, or other existing laws, otherwise that it be destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

19377. Adulteration and misbranding of Ergotole. U. S. v. Sixty-four 1-Ounce Bottles of Ergotole. Default decree of condemnation and destruction. (F. & D. No. 26022. I. S. No. 28706. S. No. 4285.)

Examination of a sample of the drug product Ergotole from the shipment herein described showed that it contained less of the therapeutically important constituents of ergot than represented, and that it would be incapable of producing certain curative and therapeutic effects claimed for it in the labeling, because of its low potency.

On March 13, 1931, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of sixty-four 1-ounce bottles of Ergotole, remaining in the original unbroken packages at Washington, D. C., alleging that the article had