

3969. Misbranding of "Dr. Porter's Antiseptic Healing Oil." U. S. v. The Paris Medicine Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 5954. I. S. No. 2877-e.)

On December 2, 1914, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Paris Medicine Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about January 28, 1913, from the State of Missouri into the State of California, of a quantity of "Dr. Porter's Antiseptic Healing Oil," which was misbranded. The product was labeled: (On bottle) "Dr. Porter's Antiseptic Healing Oil Guaranteed by Paris Medicine Company under the Food and Drugs Act, June 30, 1906. No. 993. Not a liniment—an antiseptic surgical dressing. It subdues pain and hastens healing in a remarkable manner. Applicable for cuts, burns, bruises, boils, itch, eczema, erysipelas, piles, stings and bites of insects. All wounds and sores, either acute or chronic, of the mucous membrane or skin. Good for man and beast—Price \$1.00. Manufactured by Paris Medicine Co., St. Louis, Mo., U. S. A., Dep., London, Eng. Directions. Saturate a piece of soft cloth or cotton with the Oil and apply to the wound or sore. In severe cases, apply the oil three or four times a day. When first applied to burns or cuts, it will produce a slight stinging sensation, which soon passes off. Heals and relieves pain at the same time. An excellent remedy for chapped hands and lips. For corns, bunions, and sore feet. Horse farriers and liverymen will find this oil an excellent remedy for scratches, cracked heel, halter burn, old sores, cellar and saddle galls, barbed wire cuts and dog mange." (On carton) "An excellent remedy for Burns. Dr. Porter's Antiseptic Healing Oil Discovered by a surgeon of the Louisville & Nashville Railroad A most excellent remedy for man and beast. Relieves pain and heals at the same time. Price \$1.00 Manufactured by Paris Medicine Co. St. Louis, Mo., U. S. A. Dep., London, Eng. Guaranteed by the Paris Medicine Co. under the Food and Drugs Act, June 30, 1906. No. 993. An excellent remedy for cuts, sores, old chronic ulcers, corns, bunions, frost bite, sunburn, stings, bites, rash, prickly heat, hives, or all hurts and affections of the skin and mucous membrane. An excellent remedy for bruises, wounds, eczema, itch, scrofula, scald head, boils, earache, erysipelas, sore throat, catarrh, toothache, granulated eyelids, inflammation, or all hurts and affections of the skin and mucous membrane. Heals cuts on man and beast. Horse farriers and liverymen will find this an excellent remedy for cuts, wounds, sores, scratches, cracked heel, halter burns, saddle and collar galls, scalds, warts and vermin on cattle, sheep and poultry, mange on dogs, or wounds and external affections of animals." The printed circular accompanying the product contained, among other things, the following: "Not only is the use of an Antiseptic necessary for the relief of the Throat Trouble, but, as many people know, disease germs are most frequently taken into the system through the mouth. This infection or entry of germs often results when there is even a slight irritation of the Throat, and the use of Dr. Porter's Antiseptic Healing Oil is a wise precaution against serious infectious diseases, such as Whooping Cough, Diphtheria and Tuberculosis." "Tumors and Cancerous Growths are growths of diseased tissues, and if taken in time and treated with Dr. Porter's Antiseptic Healing Oil, they can be removed, and often most serious cases averted."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it was essentially a solution of camphor and carbolic acid in cottonseed oil.

Misbranding of the product was alleged in the information for the reason that the following statement regarding the therapeutic and curative effect thereof, appearing on the label of the carton aforesaid, to wit, "An excellent remedy for cuts, sores, old chronic ulcers, corns, bunions, frost bites, sunburn, stings, bites, rash, prickly heat, hives, or all hurts and affections of the skin and mucous membrane," was false and

fraudulent in that the same was applied to said article of drugs knowingly and in reckless and wanton disregard of its truth or falsity so as to represent falsely and fraudulently to purchasers thereof, and create in the minds of purchasers thereof the impression and belief that it was, in whole or in part, composed of or contained ingredients or medicinal agents effective, among other things, for the remedy of affections of the skin and mucous membrane, when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain ingredients or medicinal agents effective for the remedy of all affections of the skin and mucous membrane. Misbranding was alleged for the further reason that the following further statement regarding the therapeutic or curative effects thereof, appearing on the printed circular aforesaid, to wit, "Not only is the use of an Antiseptic necessary for the relief of the Throat Trouble, but, as many people know, disease germs are most frequently taken into the system through the mouth. This infection or entry of germs often results when there is even a slight irritation of the Throat, and the use of Dr. Porter's Antiseptic Healing Oil is a wise precaution against serious infectious diseases, such as Whooping Cough, Diphtheria, and Tuberculosis", was false and fraudulent in that by means of the circular aforesaid it was applied to said article in reckless and wanton disregard of its truth or falsity so as to represent falsely and fraudulently to purchasers thereof, and create in the minds of purchasers thereof the impression and belief that said article was, in whole or in part, composed of, and contained ingredients or medicinal agents effective for the prevention of whooping cough, diphtheria, and tuberculosis when, in truth and fact, said article was not, in whole or in part, composed of and did not contain ingredients or medicinal agents effective for the prevention of whooping cough, diphtheria and tuberculosis. Misbranding was alleged for the further reason that the following statement regarding the therapeutic and curative effects thereof, appearing in the circular aforesaid, to wit, "Tumors and Cancerous Growths are growths of diseased tissues, and if taken in time and treated with Dr. Porter's Antiseptic Healing Oil they can be removed, and often most serious cases averted", was false and fraudulent in that the same was applied to said article of drugs knowingly and in reckless and wanton disregard of its truth or falsity so as to represent falsely and fraudulently to purchasers thereof, and create in the minds of purchasers thereof the impression and belief that it was effective for the prevention and removal of tumors and cancerous growths, when, in truth and in fact, it was not effective for the prevention and removal of tumors and cancerous growths.

On May 7, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 17, 1915.*