

3973. Misbranding of "Rheumacide." U. S. v. 16 Dozen Retail Packages of * * * "Rheumacide." Tried to the court and a jury. Finding in favor of the Government. Product ordered destroyed. (F. & D. No. 5972. I. S. No. 119-k. S. No. E-124.)

On October 5, 1914, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 16 dozen retail packages of a product known as "Rheumacide," remaining unsold in the original unbroken packages at Columbia, S. C., alleging that the product had been shipped on March 7, 1914, and transported from the State of Maryland into the State of South Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended. The retail packages were labeled: "Rheumacide B. Co. Trade Mark. Registered. Contains Five percent of Alcohol. Bobbitt Chemical Company, Sole Proprietors, Baltimore, Md. U. S. A. The Great Blood Purifier. For Rheumatism. Also a remedy for all other diseases arising from impurities of the blood. Directions, Adults one to two teaspoonfuls in a little water, after meals and at bed time. Shake the bottle. Guaranteed under the Food and Drugs Act, June 30, 1907. Serial No. 258." The cartons were labeled: "The Great Blood Purifier" "The Remedy for Indigestion. * * * Liver and Kidney troubles, Catarrh and all other diseases arising from impurities of the blood. As a general blood purifier we highly recommend Rheumacide. If you have Catarrh, Hay fever, Kidney disease, * * * Carbuncles, Skin disease or any trouble arising from impure blood give Rheumacide a thorough trial. By purifying the blood, Rheumacide Neutralizes the Acids, Starts the Kidneys into healthy action * * * Rheumacide is recommended to purify the blood * * *." The bottles were labeled: "The Great Blood Purifier, Also a remedy for all other diseases arising from impurities of the blood." In the circular accompanying the bottles appeared the following: "Rheumacide for * * * all blood diseases, For contagious blood poison * * * Carbuncles, Liver Troubles, Kidney Diseases. Rheumacide is pronounced a most powerful blood purifier * * * Stimulates the Liver and Kidneys with healthy and efficient action."

Misbranding of the product was alleged in the libel for the reason that said medicine or product known as "Rheumacide" * * * contained no ingredient or combination of ingredients capable of producing the therapeutic effects which were claimed on the bottles, circulars, and cartons. Misbranding was alleged for the further reason that the said words and figures so declared, marked, blown, and printed in and upon the cartons, bottles, and circulars as aforesaid, were misleading, false, and fraudulent and misbranded regarding the curative or therapeutic effects of such article or any of the ingredients or substances contained therein within the meaning of the act of Congress approved on the 30th day of June, 1906, as amended by act of Congress approved on the 23d day of August, 1912.

At the January, 1915, term of the court, the case having come on for hearing before the court and a jury, after the submission of evidence the case was given to the jury, and a verdict rendered, finding the product misbranded as charged in the libel. Thereafter on February 3, 1915, judgment of condemnation and forfeiture was entered in accordance with the verdict of the jury, and it was ordered by the court that the product should be destroyed by the United States marshal.

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

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