

27534. Misbranding of Dunlap's Colic Remedy and Dunlap's Antiseptic Liniment. U. S. v. 45 Bottles of Dunlap's Colic Remedy and 91 Bottles of Dunlap's Antiseptic Liniment. Default decree of condemnation and destruction. (F. & D. Nos. 38446, 38447. Sample Nos. 13635-C, 13638-C.)

The labeling of these products bore false and fraudulent representations regarding their curative and therapeutic effects. Both products contained alcohol materially in excess of the amount declared.

On or about October 26, 1936, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 bottles of Dunlap's Colic Remedy and 91 bottles of Dunlap's Antiseptic Liniment, alleging that the articles had been shipped in interstate commerce in part on or about July 9, 1935, and in part on or about February 18, 1936, by the Morna Wright Medicine Co. from Memphis, Tenn., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "The Dunlap Medicine Co., Memphis, Tenn."

Analyses showed that the colic remedy consisted essentially of alcohol (51 percent), water, and small proportions of ether, asafetida, and camphor; and that the antiseptic liniment consisted essentially of alcohol (78 percent), water, and small proportions of chloroform, extracts of plant drugs, ammonia, and volatile oils including sassafras oil and eucalyptol.

The articles were alleged to be misbranded in that the statements in the labeling "Contains 35% alcohol" with respect to the colic remedy and "Contains 55% alcohol" with respect to the antiseptic liniment, were false and misleading since the articles contained a greater percentage of alcohol than declared.

They were alleged to be misbranded further in that the following statements in the labeling, regarding their curative or therapeutic effects, were false and fraudulent: (Colic remedy, bottle) "Colic Remedy for Horses and Mules * * * Warranted to relieve Colic and acts on the Kidneys * * * repeat in 30 minutes if not relieved"; (carton) "Colic Remedy for Horses and Mules * * * You can recommend our Colic Remedy to your customers with our assurance that it will give satisfaction * * * Our Colic Remedy is warranted to give satisfaction. * * * In severe cases it is sometimes necessary to give the second or third dose"; (circular) "For More Than Half a Century thousands of farmers and stockowners, in all parts of the nation, have relied upon Dunlap's Colic Remedy as a thoroughly trustworthy remedy * * * ready-to-use colic remedy that could be kept conveniently at hand for quick use in case of emergency. * * * Dunlap's Colic Remedy was not devised to be sold on the basis of cheapness, but with the sole idea of producing the very best general colic remedy that possibly could be made. * * * Good Reasons for Using Dunlap's Colic Remedy 1. Because it usually acts direct on the Kidneys and Bowels in 15 to 30 minutes, and as a rule relieves Gravel. 2. Because it will strengthen the digestive organs and give the animal a good appetite"; (antiseptic liniment, bottle) "Excellent for Rheumatism, * * * Toothache and Headache. Directions: Adult dose * * * Colic also Diarrhoea, one teaspoonful in a little water, repeat in one hour if not relieved"; (carton) "Recommended for Rheumatism, Neuralgia, Toothache, * * * Colic and Diarrhea * * * Recommended for Colic and Cramps"; (circular) "* * * acts as an antiseptic, both superficially and by absorption into the tissues, and exerts a wholesome relievative influence. It has proved its utility in Rheumatism, Neuralgia, * * * Toothache, Headache, etc. Internally, it is employed with grateful relief in intra-abdominal distress, such as that of Cramps, Colic and Diarrhea. * * * Recommended for Rheumatism, Neuralgia, Toothache, * * * Colic and Diarrhea * * * For Headaches * * * Facial Neuralgia—Bathe over Temples and affected spots full strength. Inhale Liniment Placed on Handkerchief or cloth. For Rheumatism—Apply direct, full strength several times Daily * * * Colic and Diarrhea—Adult Dose, one teaspoonful in a little water, repeat in one hour if not relieved."

On May 25, 1937, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*