

"Of course, you will all have to agree to it, all 12 of you, and it will be signed by your foreman, and the consequence of finding for the Government would be there would be an order signed by the judge confiscating this 'Unguentum.' That would be the effect of your verdict if you find for the Government—it would be confiscated.

"Let one of the jurors go around and see if you all agree on your verdict. Reverend Minsker, you talk to each one, if that is satisfactory to you, you act as foreman.

"If you are not going to find for the plaintiff, then you will have to find for the defendant and there will have to be another suit. In other words, instead of directing the verdict, I am letting you find it. The Government contends—and the Government may be right—that I should tell you what your verdict should be, but I am letting you find it."

The jury returned a verdict for the Government, and on November 15, 1934, judgment of condemnation and forfeiture was entered, and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**24034. Misbranding of Men-tho-lo. U. S. v. 118 Packages and 142 Packages of Men-tho-lo. Default decrees of destruction. (F. & D. nos. 31152, 31153. Sample nos. 40257-A, 40258-A.)**

These cases involved a drug preparation, the labels of which contained unwarranted curative and therapeutic claims.

On October 3, 1933, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 260 packages of Men-tho-lo at Wheeling, W. Va., alleging that the article had been shipped in interstate commerce in various shipments on or about February 21, June 26, and September 5, 1933, by the Leighton Supply Co., from Pittsburgh, Pa., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the article consisted essentially of menthol and methyl salicylate incorporated in a mixture of petrolatum, paraffin, starch, and water.

The article was alleged to be misbranded in that the following statements regarding its therapeutic and curative effects, appearing in the labeling, were false and fraudulent: (Tin container) "For Catarrh \* \* \* Croup, \* \* \* Toothache, Asthma, Hay Fever, Sore Joints, Rheumatism, \* \* \* Scalds, \* \* \* etc."; (carton) "For Catarrh, \* \* \* Hay fever or Asthma, \* \* \* For Rheumatism, Sore Joints, Swellings, and all pains of a Rheumatic Nature \* \* \* For Toothache, \* \* \* For \* \* \* Scalds, Etc. \* \* \* For Sore Throat, \* \* \* It will draw out inflammation and soreness. \* \* \* gives instant relief in case of Croup or Cold on the Lungs"; (circular) "An External Remedy for all Aches and Pains. For Catarrh, \* \* \* Asthma or Hay Fever, Influenza or Grippe, \* \* \* For \* \* \* Toothache, \* \* \* the aching parts. This affords quick relief in nearly all cases. For Colic, Cramps, Croup, Sore Chest, \* \* \* etc. apply to affected parts, \* \* \* This draws out soreness and prevents inflammation. For Backache, Sore or Swollen Joints, \* \* \* or any lameness of a rheumatic nature, \* \* \* A Sore Throat or severe Cough can be relieved, if not entirely cured. \* \* \* For Catarrh of the head or throat, \* \* \* you will get great relief, if not an entire cure. \* \* \* Skin Eruptions, etc., \* \* \* After a severe scald or burn, it will draw out inflammation and prevent unsightly scars. \* \* \* Try Men-tho-lo for Piles, Frost Bites, or anything where a liniment or ointment might be used. \* \* \* I would not be without Men-tho-lo, as it saved my son's life when he had the croup. \* \* \* For Backache, Limbs or Chest, \* \* \* For Piles, \* \* \* Scalded Feet, \* \* \* For Colic, Cramps, Croup or Catarrh, \* \* \* We dare not claim for all above, A staid and everlasting cure, But nine times in ten or more, Relief is absolutely Sure."

On January 4, 1935, no claimant appearing, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

**24035. Misbranding of camphorated oil. U. S. v. 140 Bottles of Camphorated Oil. Default decree of condemnation and destruction. (F. & D. no. 31154. Sample no. 40249-A.)**

This case involved an interstate shipment of camphorated oil, the labels of which contained unwarranted curative and therapeutic claims.