

Issued February 8, 1910.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 144, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG PREPARATION.

(DR. FAHRNEY'S TEETHING SYRUP.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 27th day of November, 1909, in the district court of the United States for the district of Maryland, in a prosecution by the United States against D. Fahrney, trading as D. Fahrney and Son, of Hagerstown, Maryland, for violation of section 2 of the aforesaid act in shipping and delivering for shipment from Maryland to Virginia of a misbranded drug preparation—that is to say, a preparation labeled and branded “Dr. Fahrney’s Teething Syrup,” the said defendant having entered a plea of guilty, the court imposed upon him a fine of \$100.

The facts in the case were as follows:

On May 25, 1909, an inspector of the Department of Agriculture purchased from Cooper Brothers, Winchester, Virginia, samples of a drug preparation labeled:

“Dr. Fahrney’s Teething Syrup. Each ounce contains alcohol 9%, morphine 1.7 gr., chloroform 2.3 M. Drs. D. Fahrney and Son, Hagerstown, Md. Teething Syrup was originated and is made only by us. It contains seven articles besides those given below, and is the best remedy for teething, cholera infantum, indigestion, irregular bowels, sleeplessness, diarrhea, dysentery, etc., Guaranteed under Food and Drugs Act, June 30, 1906, Serial No. 971.”

The following statements appear in the label on the carton containing the bottle:

“A sure remedy for all ailments incident to babes from one day old to two or three years. Especially such troubles as wind colic, griping in bowels, diarrhea, difficult teething, disordered stomach, nervous peevishness, restlessness, lack of sleep, and general liver and kidney troubles, and if used in time

will prevent cholera infantum. Contains nothing injurious to the youngest babe, and if given in proper doses will always relieve."

"Mothers need not fear giving this medicine to the youngest babe, as no bad results come from the continued use of it. Many children have taken two or three dozen bottles and today are hale and hearty."

The goods had been shipped to said dealer on or about July 13, 1908, by the manufacturer, D. Fahrney and Son, Hagerstown, Maryland. A sample of the preparation was subjected to analysis in the Bureau of Chemistry, United States Department of Agriculture and was found to contain alcohol 8.84 per cent by volume, chloroform, 0.408 minim per fluid ounce, morphine 0.126 grain per fluid ounce.

It was evident that the preparation was misbranded in violation of section 8 of the act because the statements "Is the best remedy for teething," "A sure remedy for all ailments incident to babes from one day old to two or three years," "Contains nothing injurious to the youngest babe," and "No bad results from the continued use of it," were false, deceptive and misleading, as it was not the best remedy for teething, was not a sure remedy for all ailments incident to babies, does contain injurious ingredients, viz., alcohol, chloroform, and morphine, and because bad results do follow from the continued use of it.

The Secretary of Agriculture, on September 7, 1909, caused the manufacturer to be notified of the above charges and appointed him an opportunity to be heard thereon, and after a hearing, at which said manufacturer was represented, it appearing that there had been a violation of said act, the facts were reported to the Attorney General on October 26, 1909, and by him certified to the United States Attorney for the District of Maryland, who filed an information against the said D. Fahrney, with the results hereinbefore stated.

JAMES WILSON,
Secretary of Agriculture.

JANUARY 13, 1910.

