

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 203, FOOD AND DRUGS ACT.

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### MISBRANDING OF A DRUG—"MOTHER'S FRIEND."

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 16th day of July, 1909, in the District Court of the United States for the Eastern District of Louisiana, judgment was rendered in the case of the United States against 52 cases of "Mother's Friend," wherein a libel was filed under section 10 of the aforesaid act, alleging in substance that a certain drug contained in bottles labeled as follows:

"Mother's Friend, for relief of the suffering incident to childbirth. The Bradfield Regulator Company, Sole Proprietors, Atlanta, Ga."

and on one side of the carton containing said bottles:

"This is one of the greatest comforts to those expecting to become confined. It is a remedy upon which confidence can be placed, one that will assist in the safe and quick delivery, and that shortens the duration of labor. Such is Mother's Friend. Try it. It is a blessing to suffering women."

and on the other side of said carton:

"Mother's Friend has been used by hundreds of ladies throughout the country. It has been prescribed by many of our best physicians, and all pronounce it a success, giving relief from the dreadful pains and suffering of this trying time. Every woman expecting to become a mother should use it."

and in the literature accompanying said bottles:

"Morning sickness \* \* \* to allay and cure this much dreaded affection we confidently advise the free application of Mother's Friend. To young mothers we offer you not the stupor

caused by chloroform with risk of death to yourself or your dearly loved and longed for baby but an agent which will if used as directed invariably alleviate in a most magical way the pains, horrors and risks of labor and often entirely do away with them, it leaves her much less liable to flooding, convulsions and other alarming symptoms which so frequently follow the birth. Naturally will such be the result of the continued use of Mother's Friend because it indirectly assists all the organs to more naturally perform their functions. Owing to faulty physical development, to errors in dress, in food and hygienic surroundings every woman is forced to suffer in some way for a longer or shorter time during her term. To prevent, alleviate or cure all the suffering as well as to rob labor itself of its horror and pain is the mission of Mother's Friend; Mother's Friend when used a few months before confinement causes an unusually easy and quick delivery."

which said drug had been shipped from the State of Georgia to the State of Louisiana, and found within the jurisdiction of the court in original unbroken packages, was misbranded in that the label above set out was false and misleading in claiming for the said drug properties and powers which it did not possess.

The Bradfield Regulator Company appeared as claimants and filed a stipulation admitting the allegations of the libel as true and consenting to the passage of the decree herein, which is in substance and form as follows:

IN THE UNITED STATES DISTRICT COURT. FOR THE EASTERN DISTRICT OF  
LOUISIANA.

UNITED STATES OF AMERICA, Libellant.

*vs.*

FIFTY-TWO CASES MOTHER'S FRIEND, BRADFIELD REGULATOR Co., Claimant. }

DECREE.

Now, on this day, this cause coming on for hearing on the agreed stipulation and consent of the parties, and the cause being submitted by the parties hereto upon the pleadings and admissions of the intervening claimant, the Bradfield Regulator Company, and said Claimant, by its Counsel, having appeared in Court and having waived the time and place of hearing, and having admitted the allegations and charges contained in the Libel of Information, and having consented that a final decree of condemnation be made in said case as provided for in Section 10 of the Act of Congress of June 30, 1906;

Wherefore, it is considered, ordered, adjudged and decreed by the Court that the United States Marshal shall take from said Forty-three cases and Thirty-nine bottles of Mother's Friend and all the unit packages therein, all of the matter complained of in said Libel as containing misbranding thereon, and shall advertise and sell said Forty-three cases and thirty-nine bottles of "Mother's Friend" as provided by law, and shall, out of the proceeds of such sale pay all costs, expenses and legal charges incident to said seizure and proceedings in said case, and pay the remainder, if any, into the Treasury of the United States, as provided in Section 10 of said Act of Congress; Provided, however, that said Bradfield Regulator Company, the Intervenor herein, upon the payment of all the costs of this Libel, including the costs of seizure, removal,

storage, and all the expenses incurred therein, and upon the execution and delivery and filing of a good and sufficient bond, with security, in the sum of ONE THOUSAND DOLLARS, conditioned that the said Bradfield Regulator Company, claimant as aforesaid, will not sell or dispose of said goods in violation of the laws of the United States or the laws of any State, Territory, District or Insular Possession of the United States, said Bradfield Regulator Company shall have the right to the possession of said goods now in the possession of the United States Marshal in said proceedings, and said United States Marshal and his lawful deputies are hereby directed to deliver to the said Bradfield Regulator Company, or its order, the aforesaid goods upon the execution and delivery of the aforesaid bond and payment of the aforesaid costs, expenses and charges, within twenty days from this date.

In open Court, this the 16 day of July, 1909.

RUFUS E. FOSTER,  
*U. S. Judge.*

The facts on which the above seizure was based were as follows:

On or about June 7, 1909, an inspector of the United States Department of Agriculture found in the possession of Finlay, Dicks & Co., at New Orleans, La., 27 cases of the drug labeled as heretofore described, and in the possession of the Parker-Blake Company, Ltd., 25 cases of the same, which had been shipped to said firms by the Bradfield Regulator Company, manufacturers, from Atlanta, Ga. Samples taken from the above consignments were analyzed by the Bureau of Chemistry of the United States Department of Agriculture and found to consist of an oil and a small quantity of soap. The product was deemed misbranded, and the Secretary of Agriculture, on June 7, 1909, reported the facts to the United States Attorney for the Eastern District of Louisiana, who filed the libel, with the result hereinbefore stated.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *February 18, 1910.*