

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 260, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG—U-RE-KA HEADACHE POWDERS.

On or about February 4, 1909, Joseph Perlitch, doing business under the firm name of The Perlitch Pharmacy, Joseph Perlitch, Mgr., of Brooklyn, N. Y., shipped from the State of New York to the State of Michigan a consignment of a drug labeled: "U-RE-KA Headache Powders * * * Prepared at Perlitch's Prescription Pharmacy, 689 DeKalb Ave., cor. March, Brooklyn, N. Y." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded The Perlitch Pharmacy, and the dealer from whom the sample was purchased, opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney General, with a statement of the evidence upon which to base a prosecution. In due course a criminal information was filed in the Circuit Court of the United States for the Eastern District of New York, charging the above shipment, and that the product was misbranded within the meaning of the act, in that the wrapper and package of the said headache powders failed to bear a statement on the label of the quantity and proportion of the acetanilid or any derivative or preparation of said acetanilid contained therein.

On February 14, 1910, the defendant entered a plea of not guilty, which plea was withdrawn on March 2, 1910, and a plea of guilty entered, and the court imposed upon him a fine of \$25.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *March 15, 1910.*

