

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 261, FOOD AND DRUGS ACT.

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### MISBRANDING OF A DRUG—"SURE THING TONIC."

On or about June 3, 1909, Joseph C. Furst and Samuel Furst, trading as Furst Brothers, of Cincinnati, Ohio, sold and delivered to the Stein-Gray Drug Company, three bottles of a certain drug labeled:

On the front thereof—

"Sure Thing Tonic. The Wonder Stimulant. Restores Nerve Energy. Renews Vital Force. Alcoholic Strength 50 Proof. Invigorator and Exhilarant. Guaranteed to conform with the National Pure Food Laws. Guaranty Serial No. 12141. Furst Bros., Cincinnati, Ohio."

And on the back thereof—

"REMARKS. '*Sure Thing Tonic*' is distilled by Modern Methods evolved from half a century of practical experience. It is made so carefully that every bottle is put up as if it were an individual prescription. Our Laboratory is open for inspection to any Physician, Druggist or Pharmacist. '*Sure Thing Tonic*' is an exhilarant. It relieves depression, stimulates the entire system, and will assist Nature to renew Vital Force and Nerve Energy. You cannot afford to be without it. '*Sure Thing Tonic*' should be taken by every person, male or female, whether in need or not of a Tonic of its kind. '*An Ounce of Prevention is worth a Pound of Cure.*' DIRECTIONS: Take a wine glass full three times a day, positively before retiring. You can double the dose if you so desire. If your dealer does not handle it, write to us.

"FURST BROS., Cincinnati, Ohio."

Thereafter the above-named purchaser shipped said drug in interstate commerce to Covington, Ky. A sample procured from this shipment was analyzed in the Bureau of Chemistry, United States Department of Agriculture. As it appeared from the findings of the analyst and report made that the drug was misbranded within the meaning of the Food and Drugs Act, the Secretary of Agriculture afforded opportunities for hearings to the party from whom said sample was procured, to the shipper, and to the guarantor of said

drug, and as it appeared after hearings held that there had been a violation of the act on the part of the above-named guarantors, the Secretary of Agriculture reported the facts to the Attorney General, with a statement of the evidence on which to base a prosecution. In due course a criminal information was filed in the District Court of the United States for the Southern District of Ohio against the said Joseph C. Furst and the said Samuel Furst, alleging that said drug was misbranded, because the labels on the bottles containing the same bore statements, designs, and devices regarding said article, and the ingredients and substances therein contained, which were false and misleading in the following particulars:

First, that said article contained the following ingredients: Alcohol, sucrose, and water, flavored with juniper, none of which ingredients justified the use on said label of these statements, to wit: "Sure Thing Tonic. Wonder Stimulant. Restores Nerve Energy. Renews Vital Force. Relieves Depression, Stimulates the Entire System;"

Second, that the statement on the label that "Sure Thing Tonic, distilled by modern methods evolved from a half century of practical experience," was false and misleading because said drug was not a distilled product;

Third, that the bottle containing said drug failed to bear upon the label thereof a statement of the quantity or proportion of alcohol contained in said article.

The information further charged that said defendants at the time of making sale and delivery of said drug to the purchasers thereof knew that said article was intended to be sold in interstate traffic and was likely to be sold in interstate traffic, and that in fact it was on the same day shipped by said purchaser in interstate traffic to Covington, Ky., and that by reason of the fact that said drug was misbranded, as aforesaid, the interstate shipment thereof was unlawfully made; that by reason of the guaranties given by the said defendants they were amenable to the prosecution, fines, and other penalties which would attach because of said unlawful interstate shipment.

On March 1, 1910, the defendants pleaded guilty to the information and were sentenced by the court to pay a fine of \$10 and costs.

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 23, 1910.*

