

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 327, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG—"GIN-SENG-GIN."

On or about August 26, 1909, Victor E. Shields and William H. Shields, trading under the firm name of Gin-Seng-Gin Co., of Cincinnati, Ohio, shipped from the State of Ohio to the State of Michigan a consignment of a drug labeled:

(Obverse)

Gin-Seng-Gin Compound. Alcoholic strength 37.50% vol. 75 Deg. proof. With Phosphate. "The Gin with a push." Guaranteed under the National Pure Food and Drugs Act, June 30, 1906. Gin-Seng-Gin Co., Cincinnati, O.

(Reverse)

"The Gin with a push!" Gin-Seng-Gin. The best Gin for fizzes, rickies and cocktails. We guarantee this preparation to be as pure as skill and science can make it. Free from tannin and sugar, and recommend it for certain forms of kidney and bladder troubles. Sold only in glass. Refilling prohibited, subject to prosecution.

Samples of this product were procured and analyzed by the Bureau of Chemistry of the United States Department of Agriculture, and as it appeared from the findings of the analyst and report made that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said Gin-Seng-Gin Co. and the dealer from whom the samples were procured were given 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 against the said Victor E. Shields and William H. Shields in the District Court of the United States for the Southern District of Ohio, charging the above shipment and alleging that the product was misbranded in that the label bore the words "Gin-Seng-Gin," which words were misleading and de-

ceptive and tended to deceive and mislead the purchaser into the belief that the said product was a gin or a compound of gin and Gin Seng, whereas in fact, it is not a gin nor a compound of gin and Gin Seng; and was further misbranded in that the label contained the words "The Gin with a push! * * * The best Gin for fizzes, rickies and cocktails," which statement tended to deceive and mislead the purchaser into the belief that the said product was a gin, whereas, in fact, it was not a gin; and was further misbranded in that the label contains the words "With Phosphate," which statement is false and misleading and tends to deceive and mislead the purchaser into the belief that phosphate is a constituent of the product, whereas, in fact, the quantity or proportion of phosphate contained in the product is small and infinitesimal, being but 0.05 per cent, and does not justify or warrant the use on the label of the words "With Phosphate;" and was further misbranded in that the use upon the label of the devices simulating and resembling Chinese characters and writing tended to deceive and mislead the purchaser into the belief that the said product was of foreign manufacture and of Chinese origin, whereas, in fact, the product was not of foreign manufacture nor of Chinese origin.

On April 4, 1910, defendants entered a plea of guilty and the court imposed 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., *May 12, 1910.*