

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 392, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG—"TELEPHONE HEADACHE TABLETS."

On or about January 27, 1909, Charles W. Horn, of Slatington, Pa., shipped from the State of Pennsylvania to the State of Michigan a consignment of a drug, each retail package labeled:

"Telephone Headache Tablets. Each envelope contains 6 Tablets. Guaranteed Absolutely Harmless. This is a reliable remedy for the cure of sick and nervous headache, toothache, neuralgia, rheumatic pains and any nervous irritations, giving almost immediate relief. They contain no opium, morphia, or any injurious medicine. Pleasant to take and perfectly harmless when used as directed. * * *

"None genuine unless signed Charles W. Horn, Pharmacist, Proprietor of the 'Telephone' Remedies, Slatington, Pa. Guaranteed under the Food and Drugs Act, June 30, 1906. Containing 200 grains acetanilide per ounce, No. 1579. A very effectual remedy for headache or any nervous and rheumatic pain. Try it. By druggist and dealers everywhere or by mail on receipt of price."

Samples of this shipment were procured and analyzed by the Bureau of Chemistry, 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 Secretary of Agriculture afforded Charles W. Horn, and the dealer from whom the samples were 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 District Court of the United States for the Eastern District of Pennsylvania charging the above shipment and alleging that the product was misbranded, in that the label contained a statement "Telephone Headache Tablets. Each envelope contains 6 Tablets. Guaranteed absolutely harmless," which statement was false and misleading in that the said drug did contain acetanilide, which is an erratic, powerful, and injurious article, and was further misbranded in that the product was labeled "They (meaning Telephone Headache Tablets) contain no opium, morphia, or any injurious medicine. Pleasant to take and

perfectly harmless when used as directed," which statement was false and misleading in that the drug is not perfectly harmless and contains an injurious medicine and drug, namely, acetanilide, and was further misbranded in that it was labeled "Containing 200 grains acetanilide per ounce," which statement did not disclose the quantity or proportion of acetanilide which was contained in the six "Telephone Headache Tablets" contained in the said package, and was further misbranded in that there was enclosed in each retail package a printed circular which circular contained the statements "This (meaning 'Telephone Headache Tablets') is one of the greatest discoveries that medical science has achieved, and never before has mankind been so blessed with such a marvelous remedy for the relief of pain in any part of the body—as sick and nervous headache, neuralgia, toothache, la grippe, rheumatism, sciatica—also very efficacious in quieting nervous irritation, sleeplessness, feverishness, cold, etc.;" "They (meaning 'Telephone Headache Tablets') absolutely contain no opium, morphia, or any injurious drugs, but are in every respect the latest result of science," and "This remedy is a combination of the best known medicines from the vegetable kingdom, each having a specific action of its own, and in their combined state, act as a most powerful specific against the diseases of the nerve centers," which statements were false, misleading, and deceptive, in that the said product, namely, "Telephone Headache Tablets," was not the greatest discovery that medical science has achieved, and did contain an injurious drug, namely, acetanilide, an erratic, powerful, and dangerous drug, and was not a combination of the best known medicines from the vegetable kingdom, because acetanilide, the chief ingredient of the product, is not a vegetable product, but a substance compounded from analine, a coal tar derivative, and acetic acid.

On March 17, 1910, the defendant entered a plea of guilty 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., *May 23, 1910.*

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