

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 559, FOOD AND DRUGS ACT.

MISBRANDING OF "REXALL HEADACHE WAFERS."

On or about March 2, 1909, the United Drug Company, Chicago, Ill., shipped from the State of Illinois into the State of Tennessee a quantity of a drug product labeled "Rexall Headache Wafers." 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 made showed that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said United Drug Company and the dealer from whom the sample was procured opportunities for hearings.

As it appeared after hearings held that the 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 Northern District of Illinois against the said United Drug Company, charging the above shipment and alleging that the product was misbranded, in that the label thereon was false and misleading because it stated, among other things, that the said drug product in question was a headache remedy, "which is not only effective and harmless, but very easy to take and is guaranteed by us," when, in truth and in fact, the said drug product contained caffeine and acetphenetidin, which are well-known harmful and habit-forming ingredients, rendering the article aforesaid harmful and injurious to health, and in that said label contained a further false and misleading statement, to the effect that said headache wafers contained 228 grains of acetphenetidin to each ounce of the said wafer, when, in truth and in fact, said article contained more than 228 grains, to wit, 339 grains, of acetphenetidin to each ounce of said wafers.

On July 11, 1910, the defendant entered a plea of nolo contendere and the next day the court imposed a fine of \$50.

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

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., August 11, 1910.

