

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 569, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG PRODUCT—HEADACHE POWDERS.

On or about January 27, 1909, J. F. Gearan, Boston, Mass., shipped from the State of Massachusetts to the State of Michigan, and on or about August 4, 1909, from the State of Massachusetts to the State of New Jersey, consignments of a drug product labeled "Headache Powders Each Powder contains Acetphenetidin 5 grains with other Pure and Efficient Ingredients Directions * * * Price 10 cents Prepared for J. F. Gearan, Pharmacist Successor to Chas. Coleman, 48 Cambridge St., cor. Temple, Boston, Mass."

Samples from these shipments were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture. As the findings of the analyst and report made indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said J. F. Gearan and the dealers from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that the shipments were made in violation of the act, 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 against the said J. F. Gearan in the District Court of the United States for the District of Massachusetts, charging the above shipments and alleging that the product contained in the first shipment was misbranded, in that the label thereon contained the false and misleading statement "Headache Powders Each Powder contains Acetphenetidin 5 grains," whereas, in truth and in fact, such powders did not contain 5 grains of acetphenetidin; and that the product contained in the second shipment was misbranded in that the product contained acetanilid and the container thereof failed to bear any statement of the quantity or proportion of said acetanilid present therein; and in that the statement in the label thereon "Headache Powders Each Powder contains Acetphenetidin 5 grains" was false and misleading,

because, in truth and in fact, each such powder did not contain 5 grains of acetphenetidin.

Upon arraignment the defendant entered a plea of nolo contendere 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.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *August 17, 1910.*

