

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 769, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG PRODUCT—"COLD AND GRIPPE TABLETS—LAXATIVE."

On or about April 16, 1910, J. F. Tinsman, doing business under the name of "The Waldron Drug Store," Denison, Tex., shipped from the State of Texas into the State of Georgia a quantity of a drug product labeled: "Cold and Grippe Tablets. Laxative. Dose: One Tablet Three Times a Day. Cure a Cold in One Day. Waldron Drug Store, Denison, Texas. The only Cold and Grippe Tablets made. These Tablets will relieve Sick Headaches Immediately. They are Laxative. After Taking a few doses, the Bowels will move mildly, leaving the whole system in perfect order. Relieve Sick Stomach and Backache. Guaranteed Purely Vegetable." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, with the following results: 0.3000 gm substance gave 0.0621 gm quinine or 20.70 per cent, 0.0805 gm acetanilide or 26.83 per cent; 0.2948 gm substance gave 0.059 gm quinine or 20.31 per cent, 0.0797 gm acetanilide or 27.05 per cent. As it appeared from the above analysis 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 the said J. F. Tinsman and the party from whom the samples were 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 Eastern District of Texas against the said J. F. Tinsman, charging the above shipment and alleging that the product so shipped was misbranded in that the label contained the following statements: "Product is purely vegetable," "It will cure a cold in one day," "After taking a few doses the bowels will move mildly, leaving the system in perfect order," and "It will

relieve sick headache immediately," which said statements were false and misleading because said product contained acetanilide, which is not a vegetable product; did not contain ingredients possessing the therapeutic properties adequate to accomplish the curative results claimed on the label; and in that the quantity and proportion of acetanilide contained in said product was not stated on the label.

On January 3, 1911, the defendant entered a plea of guilty to the above information 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., *February 10, 1911.*

