

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 840, FOOD AND DRUGS ACT.

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#### MISBRANDING OF A DRUG PRODUCT—"BRUNNER'S GREASELESS PEROXIDE CREAM."

On or about May 21, 1910, John Brunner and Fred T. Barrett, doing business under the name and style of Peroxide Specialty Company, Cincinnati, Ohio, shipped from the State of Ohio into the State of Indiana a consignment of a drug product labeled: (On bottle) "Brunner's Greaseless Peroxide Cream. An ideal bleach for the skin. . . Peroxide Specialty Co., Cincinnati, O."; (on carton) "Brunner's Greaseless Peroxide Cream. An ideal bleach for the skin. . . Peroxide Specialty Co., sole distributors. Brunner's Peroxide Cream produces a rich, white skin and a complexion admirably fair. There is nothing more beneficial to the skin where blemishes or impurities exist than peroxide of hydrogen. Only the purest and best of this product is used in making Brunner's Peroxide Cream. . . Guaranteed by Peroxide Specialty Co., under the Food and Drugs Act, June 30, 1906. Serial No. 8085. Peroxide Specialty Co., Cincinnati, O." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, with the following results: Moisture and volatile matter at 100° C., 73.43 per cent; ash, 3.45 per cent; borax, positive; glycerine, positive; spermaceti, positive; peroxides, negative. As the findings of the analyst and report thereon 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 John Brunner and Fred T. Barrett 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 Sec-

retary 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 Southern District of Ohio against the said John Brunner and Fred T. Barrett, charging the above shipment and alleging that the product so shipped was misbranded, in that it was labeled and branded as aforesaid so as to deceive and mislead the purchaser in that said labels created the impression and belief that said drug contained a substantial amount of peroxide of hydrogen such as to make it the active ingredient therein, whereas, in truth and in fact, said article contained no peroxide of hydrogen; and in that said labels and brands bore statements regarding such drug and the ingredients and substances contained therein, which statements, to wit, "Brunner's Peroxide Cream," "An ideal bleach for the skin," "Produces a rich, white skin and a complexion admirably fair," "Only the purest and best of this product (peroxide of hydrogen) is used in making Brunner's Peroxide Cream," were false and misleading, in that said statements purported and represented said drug to contain a substantial amount of peroxide of hydrogen, and to be capable of producing certain physiological effects, whereas, such were not the facts, and said statements were untrue and false, and, in truth and in fact, said product contained no peroxide of hydrogen and was not capable of producing nor did it contain the ingredients adequate to produce said physiological effects which the aforesaid labels and brands represented it to be able to bring about.

On February 1, 1911, the defendants entered a plea of guilty to the charges contained in the above information, whereupon the court imposed a fine of \$10 and costs amounting to \$24.05.

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., *April 13, 1911.*