

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 898, FOOD AND DRUGS ACT.

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### MISBRANDING OF A DRUG PRODUCT—"INDIAN TAR BALSAM."

On or about June 8, 1910, John B. Hurtt and Thomas D. Hurtt, copartners, trading as John B. Hurtt & Son and as The Indian Tar Balsam Company, Baltimore, Md., shipped from the State of Maryland into the District of Columbia a quantity of a drug product labeled: (On carton) "Indian Tar Balsam For the relief of coughs, colds, sore throat, hoarseness, and all inflamed conditions of the lungs and air passages. Price 25 cents. Full directions inside. Prepared only by the Indian Tar Balsam Co., Baltimore, Md. No cure no pay \* \* \*. J. B. Hurtt & Son, Proprietors, Baltimore, Md. Guaranteed \* \* \* Serial No. 9750"; (on bottle) "Indian Tar Balsam The never failing remedy for the cure of coughs, colds, sore throat, and all kinds of throat and lung affections \* \* \* Indian Tar Balsam Co., Baltimore, Md., Sole Manufacturers and Proprietors. No cure no pay. Price 25 cents. Sold by all druggists." Packed with the product was a circular which contained, among other statements, the following: "Indian Tar Balsam \* \* \* It is without a peer as a curative in all forms of throat and lung diseases and every species of inflammation from whatever cause arising, no matter how acute or chronic, or where located \* \* \* One dose will often remove a sudden case of croup while a few doses never fail \* \* \*." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to consist of oil about 60 per cent (indicating tar), and an aqueous solution 40 per cent, the oil floating and being partly volatile, with an odor of tar, and the aqueous solution containing morphine derivatives and some unimportant substances dissolved from the tar and undetermined ingredients. As the findings of the analyst and report thereon indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said John B. Hurtt and Thomas D. Hurtt and the party from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that the above 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 District of Maryland against the said John B. Hurtt and Thomas D. Hurtt, charging the above shipment and alleging that the product so shipped was misbranded because the bottle in which it was shipped bore no statement thereon of the quantity and proportion of opium and morphine derivatives contained in such drug, and because the statements as to the curative properties of the product appearing in the above labels and circular were false and misleading, as the product would not effect said cures and was not a never-failing remedy, as alleged in said labels and circular.

On January 14, 1911, the defendants entered a plea of guilty to the above information, whereupon the court imposed a joint 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 20, 1911.*