

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 941, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG PRODUCT—"WHITE'S HEADEASE."

On or about May 10, 1909, O. P. White, Rusk, Tex., shipped from the State of Texas into the State of Missouri a quantity of a drug product labeled "White's Headease (Trade Mark) One ounce of this contains alcohol 47%, acetanilid 33 grs. The king of headache cures. Relieves pain in any part of the body. Originated and manufactured by O. P. White, Rusk, Tex. Price 25 cents. This remedy is labeled to comply with the Pure Food and Drug Laws. It contains six ingredients and is harmless when taken as directed. Contains no opium, morphine, heroin, cocaine, or other enslaving drugs * * *." A sample from this shipment was procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to contain acetanilid, caffeine, alcohol, and a coloring matter, probably caramel. 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 O. P. White and the party from whom the sample was 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 Eastern District of Texas against the said O. P. White charging the above shipment and alleging that the product so shipped was misbranded because it was labeled as above set forth, which label was false and misleading, because the drug in question was not a cure for headache, as its ingredients did not act on or remove the cause of the trouble, any relief that might be given by the use of said drug resulting from a deadening of the senses of the persons so using the same and not through a cure, and because the statement "Harmless when taken as directed. Contains no opium, heroin, cocaine, or other enslaving drugs," appearing on said label, was false and misleading, as the product contained acetanilid and caffeine, both of which drugs are harmful and enslaving.

Thereupon the cause came on for hearing and trial was had of the issues involved to a jury, which resulted in a verdict of guilty, whereupon the court entered judgment upon said verdict and imposed a 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., *June 9, 1911.*

