

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 965, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG PRODUCT—"SMITH'S QUININETS."

On or about January 21, 1911, C. E. Rupert Smith, trading as the Smith's Quininetts Company, Philadelphia, Pa., shipped from the State of Pennsylvania into the State of Kentucky a drug product labeled: (On box) "The great household remedy. $\frac{1}{2}$ gr. acetanilid in each tablet. Smith's Quininetts Laxative. A reliable remedy for colds, headaches, la grippe and general disorders. Reg. U. S. Pat. Of. The Smith's Quininetts Company, Guaranteed under the Pure Food and Drugs Act, June 30, 1906; guaranty No. 1651. General directions. Take one quininet after each meal and two upon retiring. Price 25 cents. 6252 Phila., Pa." Packed with the product was a circular containing the following statements among others: "This great household remedy is indispensable as a sure cure and preventative for the following ailments: For la grippe, pneumonia, coughs and colds, constipation, biliousness and liver troubles, dyspepsia, headache and female complaints, as well as being the greatest of blood purifiers. For coughs and colds take * * * until a cure is affected. For constipation, biliousness and liver troubles—Take two quininetts after each meal * * * The * * * each night to make the cure lasting. For purifying the blood Quininetts acts like magic, clarifying the blood and cleansing the system of all impurities * * * Toning up the system * * *; imparting a * * * glow to the complexion and a brightness to the eyes, with renewed health and vigor to the entire body and physical forces * * * The complaints for which Quininetts are specified can easily be cured if taken in their incipient stages * * * " 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 consist of quinine, acetanilid, carbonate, and unidentified matter. 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 C. E. Rupert Smith 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 Pennsylvania against the said C. E. Rupert Smith, charging the above shipment and alleging the product to be misbranded because the circular packed with the product in question bore the statements above set forth as to the curative and prophylactic properties thereof, which were false and misleading for the reason that said product was not capable of effecting the cures and beneficial results claimed for it in said statements.

On March 15, 1911, the defendant entered a plea of guilty to the above information, whereupon the court imposed a fine of \$5.

This notice is given pursuant to section 4 of the Food and Drug Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *June 17, 1911.*

