

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1322.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF A DRUG PRODUCT—"WOOD'S SOOTHING SYRUP."

On June 30, 1911, the United States Attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against William J. Wood, of Trenton, N. J., alleging shipment by him, in violation of the Food and Drugs Act, on or about July 18, 1910, from the State of New Jersey into the State of Pennsylvania, of a quantity of a drug product labeled "Wood's Soothing Syrup", which was misbranded. The product was labeled: (On bottle) "Dr. Wood's Soothing Syrup Alcohol—Eight per Cent Opium—One and One Quarter Grains to the Ounce. Guaranteed under the Food and Drugs Act, June 30th, 1906. No. 2916. For Children & Adults, and affords speedy relief in all cases of acute Pains, Gripings, severe Vomiting, Bowel Complaints, Teething, Restlessness, Sore Throat, Whooping Cough, all Coughs and Colds, all Throat, Bronchial, Chronic and Nervous Affections; also a preventive against taking cold". (On circular enclosed with the product) "This Syrup is obtaining a world-wide reputation as an infallible remedy for Whooping Cough, Croup, Colds, Teething and Restlessness, and all Throat, Chronic, and Nervous Affections. Also for Sick Stomach and General Debility. For Whooping Cough, this syrup, when once used, is ever after deemed indispensable. It relieves the paroxysms or fits of coughing, and so palliates every difficulty attending the disease that the little sufferer obtains immediate and permanent relief. . . . Also it is beneficial when used as a specific in the incipient stages, for consumption. It is a sure cure for sick headache, female weakness, or irregularities. . . . This syrup, if used freely, will have the desired effect of subduing Croup by quenching the inflammatory action of the windpipe, and removing the mucus from the parts affected. Many mothers

can recommend this medicine as the most efficacious remedy for Croup ever used. Also, for infants raised on the bottle or cow's milk, a few drops of the syrup in milk will prevent colic, and entirely obviate the difficulty arising from a disagreement of cow's or goat's milk with small children. For Asthma and Phthisic this extraordinary remedy affords immediate relief. . . . It is also invaluable for Coughs and Colds. . . . It has a soothing effect upon the bronchial tubes, and where a cough is tight, or attended with hoarseness it will soon relax those parts, remove all unpleasant symptoms, and restore the organs to a healthy and normal condition. . . . It will in most cases entirely remove the cause of sick headache."

Analysis of a sample of said product, made by the Bureau of Chemistry of the United States Department of Agriculture, showed it to be a hydro-alcoholic solution of opium, aromatic bodies, sugar, inorganic salts, and undetermined matter; alcohol, 3.75 per cent by volume; morphine, 0.042 gram per 100 cc. calculated to 9 per cent opium (2 grains per fluid ounce). Misbranding of said product was alleged for the reason that the statements "Alcohol—Eight per cent" and "Opium—One and One Quarter Grains to the Ounce", borne on the label, were false and misleading, because said product did not contain 8 per cent alcohol, but only 3.75 per cent by volume of alcohol, and it did not contain $1\frac{1}{4}$ grains of opium to the ounce, but a larger quantity of opium, to wit, 2 grains to each ounce of the product. Misbranding was further alleged against this product for the reasons stated in the information, as follows: In that the packages in which the same was contained and the label of each of which packages bore certain statements, designs, and devices regarding said article of drugs and drug product and the ingredients or substances therein contained, which were false and misleading in the following particulars, to wit, in that the statements "This purely Vegetable Syrup is obtaining a world-wide reputation as an infallible remedy for whooping cough, croup, teething, and restlessness, and all throat and bronchial, chronic and nervous affections, also for sick stomach and general debility," and "For whooping cough this Syrup when once used is ever deemed indispensable. It relieves the paroxysms or fits of coughing and so palliates every difficulty attending the disease that the little sufferer obtains immediate and permanent relief", borne on the circular accompanying said product, are misleading and deceptive because, as a matter of fact, said product is not an infallible remedy for the diseases enumerated in said statements and will not furnish immediate and permanent relief for whooping cough; and in that the statements "It is beneficial when used as a specific in the incipient stages for consumption," "It is a sure cure for sick headache, female weakness or irregularities," and

“Also for infants raised on the bottle or cow’s milk, a few drops of the Syrup put in milk will prevent colic and entirely obviate the difficulty arising from a disagreement of cow’s or goat’s milk with small children,” borne on the circular enclosed with the package containing said product, are false and misleading because, as a matter of fact, said product is not a specific for consumption in the incipient stages; it is not a sure cure for croup, and will not prevent colic; and in that the statements “For asthma and phthisic, this extraordinary remedy affords immediate relief. * * *” and “It is also invaluable for coughs and colds. * * * It has a soothing effect upon the bronchial tubes, and where a cough is tight or attended with hoarseness, it will soon relax those parts, remove all unpleasant symptoms, and restore the organs to a healthy and normal condition. * * * It will in most cases entirely remove the cause of sick headache,” borne on the circular enclosed with said product, are false and misleading because said preparation will not afford immediate relief for phthisic; it will not restore the organs to a healthy and normal condition, and will not in most cases entirely remove the cause of sick headache.

The charge of misbranding in the information, to the effect that “It is a sure cure for sick headache, female weakness, or irregularities” was erroneous. The language used should have been “It is a sure cure for croup.” The charge of misbranding to the effect that the product purported to be a “purely Vegetable” syrup was also erroneous. The expression “purely Vegetable” should have been omitted from the charge.

On February 6, 1911, the defendant pleaded non vult, and on March 20, 1911, the court suspended sentence.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 24, 1912.*

