

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2548.

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

U. S. v. Charles H. Dexter. Plea of nolo contendere. Fine, \$25.

MISBRANDING OF HEADACHE AND ANTI-PAIN POWDERS.

On April 27, 1910, the United States Attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles H. Dexter, Boston, Mass., alleging shipment by said defendant, in violation of the Food and Drugs Act, on October 29, 1909, from the State of Massachusetts into the State of New York of a quantity of headache and anti-pain powders which were misbranded. The product was labeled: (On package) "Dexters Headache and Antipain Powders. Contains no morphine-cocaine, antipyrin or cathartic medicines. Directions * * * Prepared by Chas. H. Dexter, Druggist, 166 Court, Cor. Bulfinch St., Bowdoin Square, Boston, Mass." (On circular) "In offering these powders to the general public we have implicit confidence in their efficacy not only to relieve all forms of headache, from whatever cause arising, neuralgia, la grippe, colds, painful menstruation, rheumatic pains, &c., but to relieve every ache which human flesh is heir to. We positively guarantee that they do not contain any morphine or other narcotic and consequently will induce no habit."

Analysis of samples of the product by the Bureau of Chemistry of this Department showed the following results:

Weight.	Chloroform— insoluble matter.	Caffein.	Acetanilid.
(a) 0.4888 gram	48.16 per cent	0.0158 gram or 3.23 per cent	48.04 per cent
(b) 0.4770 gram	48.18 per cent	0.0161 gram or 3.36 per cent	47.87 per cent
Sodium salicylate 47.09 per cent.			

Misbranding of the product was alleged in the information for the reason that it was labeled and branded so as to mislead a purchaser, that is to say the label set forth above contained a statement regarding the substance, which statement would lead a purchaser to believe that the product would relieve all forms of headache from whatever cause arising—neuralgia, la grippe, colds, painful menstruation, rheumatic pains, etc., and relieve every ache which human flesh is heir to, and that said product did not contain any narcotic which would induce or have a tendency to form a habit, whereas, in truth and in fact, said product would not relieve all forms of headache from whatever cause arising—neuralgia, la grippe, colds, painful menstruation, rheumatic pains, etc., and would not relieve every ache which human flesh is heir to, and said product contained a narcotic which would induce and have a tendency to form a habit. Misbranding was alleged for the further reason that the product contained acetanilid and the containers of the product failed to bear any statement of the quantity or proportion of said acetanilid in said product.

On May 10, 1910, the defendant entered a plea of nolo contendere to the information and the court imposed a fine of \$25.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *August 29, 1913.*