

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 2550.

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

U. S. v. Edgar S. Fossett. Plea of nolo contendere. Nolle prossed.

MISBRANDING OF HEADACHE CAPSULES.

On July 28, 1910, the United States Attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the Circuit Court of the United States for said district an information against Edgar S. Fossett, Portland, Me., alleging shipment by said defendant, in violation of the Food and Drugs Act, on November 1, 1909, from the State of Maine into the State of New York, of a quantity of headache capsules which were misbranded. The product was labeled: "For Headache. Dr. Freeman's Celery and Caffeine Capsules. Price 25 cents. For Headache of all kinds. Neuralgia, Car-sickness, etc. etc., Directions: Two capsules, if in severe cases, relief does not follow in thirty minutes, repeat. * * * Manufactured by the Freeman Pharmacal Company, Portland, Maine. Guaranteed under the Food and Drugs Act, June 30, 1906. No. 455. Each capsule contains 16/100 of a gm. of Acetanilid."

Analysis of samples of the product by the Bureau of Chemistry of this Department showed the following results: (1) Residue insoluble in chloroform, 22.64 per cent; caffeine, 4.72; acetanilid, 65.08; (2) residue insoluble in chloroform, 22.88 per cent; caffeine, 4.55; acetanilid, 65.13. Misbranding of the product was alleged in the information for the reason that the package or label thereof bore a statement, to wit, the inscription "Celery and Caffeine Capsules" which was misleading in that the contents of the package were composed of substances which contained a large quantity of acetanilid and a small quantity of caffeine, celery seed, and other material, and for the further reason that the package was labeled and offered for sale under the name of an article other than that contained in the said package, to wit, said package was labeled and offered for sale as celery and caffeine capsules, whereas, in truth and in fact, it was not

celery and caffein capsules, but was composed of a substance which contained a large quantity of acetanilid and a small quantity of caffein, celery, and other materials.

Thereafter, the case having come on for hearing, a plea of nolo contendere was entered by the defendant, and on November 29, 1912, the information was nolle prossed by direction of the court.

B. T. GALLOWAY,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *September 2, 1913.*