

3775. Misbranding of "Keller's Flaxseedine." U. S. v. Joseph A. Owens et al. (Carr, Owens & Co.). Plea of guilty. Fine, \$50. (F. & D. No. 6079. I. S. No. 4672-e.)

On March 12, 1915, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Joseph A. Owens, James Owens, and John W. Carr, trading under the firm name of Carr, Owens & Co., Baltimore, Md., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about January 14, 1913, from the State of Maryland into the State of Delaware, of a quantity of "Keller's Flaxseedine" which was misbranded. The product was labeled (On bottle): "Keller's Flaxseedine. Alcohol about 8%. Prepared only by Carr, Owens & Company Baltimore. Guaranteed by Carr, Owens & Co., under the Pure Food & Drugs Act, June 30th, 1906, No. 2126. No opium, No poison A pleasant, safe and effectual Remedy for Coughs, Colds, Bronchitis, Hoarseness, Consumption and all Throat and Lung Troubles, also an excellent Laxative. Dose: Two Teaspoonfuls every 2 or 3 hours or oftener if Cough is troublesome Children 3 to 5 years old $\frac{1}{2}$ Teaspoonful Where there is a tendency to constipation, doses may be increased without injury as the medicine contains no opium or other poisons." (On carton) "Keller's Flaxseedine Trade Mark Contains 8% Alcohol Prepared by Carr, Owens & Co. Manufacturing Pharmacists. Baltimore, Md. Highly Recommended for every form of Colds, Coughs and Throat Irritation Price 25 Cents. A Distinctively Family Remedy of Universally Approved Ingredients. A True Laxative for Coughs and Colds. Flaxseedine Trade Mark. A Welcome Remedy (Keller's Flaxseedine) of unusual curative powers For Dispelling Fresh or Deepseated Coughs, Colds, and Throat Affections. Prepared by Carr, Owens & Company Manufacturing Pharmacists, Baltimore, Md. Flaxseedine the Food Old Family Remedy Contains the essential curative properties of the Flaxseed and other Balsamic Ingredients. A True Laxative for Coughs and Colds. Flaxseedine Trade Mark. Guaranteed by Carr, Owens and Company Under the Pure Food and Drugs Act, June 30th, 1906. No. 2126." (On shipping package) "One Dozen Flaxseedine Alcohol About 8 Per Cent For Coughs, Colds and Consumption Prepared only by Carr, Owens & Company Wholesale Druggists, Baltimore, Md. Guaranteed by Carr, Owens & Company under the Food and Drugs Act, June 30, 1906. Number 2126."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the product to be a mucilaginous sirup containing alcohol 4.6 per cent, gum, and plant extracts, the taste indicating the presence of flaxseed, molasses, and senna.

Misbranding of the product was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the labels aforesaid, to wit, (On shipping package) "Flaxseedine * * * For Consumption." (On bottle) " * * * Flaxseedine * * * effectual Remedy for * * * Bronchitis, * * * Consumption and all Throat and Lung Troubles * * *." (On carton) " * * * Flaxseedine * * * a * * * Remedy of unusual curative powers For Dispelling * * * Deepseated Coughs, Colds, and Throat Affections," were false and fraudulent in that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof and create in the minds of purchasers thereof the impression and belief that it was, in whole or in part, composed of or contained ingredients or medicinal agents effective, among other things, as an effectual remedy for bronchitis, consumption, and all throat and lung troubles, and effective as a remedy of unusual curative powers for dispelling deep-seated coughs, colds, and throat affections, when, in truth and in fact, said article was not, in whole or in part, composed of and did not contain ingredients or medicinal agents effective, among other things, as an effectual remedy for bronchitis, consumption, or all throat or lung troubles, or effective as a remedy for dispelling deep-seated colds, coughs, or throat affections.

On March 12, 1915, pleas of guilty were entered on behalf of the defendants, and the court imposed a fine of \$50.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 1, 1915.