

3966. Misbranding of "Cassidy's 4X The Great Blood Purifier," so-called. U. S. v. The Schuh Drug Co. Plea of guilty. Fine, \$15 and costs. (F. & D. No. 5920. I. S. No. 7122-e.)

On March 16, 1915, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Schuh Drug Co., a corporation, Cairo, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about January 2, 1913, from the State of Illinois into the State of Tennessee, of a quantity of so-called "Cassidy's 4X The Great Blood Purifier" which was misbranded. The product was labeled: (On carton) "Cassidy's 4X The Great Blood Purifier It has been in use for over 20 years with unparalleled success in the treatment of all Blood Poison, Scrofula, Salt-Rheum, King's Evil, Rheumatism, Chronic Ulcers, Old Sores, Erysipelas, Eczema—In fact it is a remedy for all kinds of humors in the blood. Cassidy's 4X purifies the blood, cleanses the system, excites the secretions, tones up the nerves, and will build up and restore you to health. As a household remedy and general blood purifier it has no equal. Price \$1.00 per bottle. Schuh Drug Co. Wholesale Druggists Cairo, Ill." (On back of carton) "Cassidy's 4X for the Blood, Rheumatism, Scrofula, Cancer, Eczema, Ulcers, Boils, Hereditary Blood Poisoning, and all Affections of the Skin, caused by Impure Blood. Contains no Mercury, no Potash, no Mineral Poison. This preparation contains 50% Alcohol and complies with the Pure Food and Drug Law. Serial No. 461. Schuh Drug Company Price \$1.00 per bottle Schuh Drug Co. Wholesale Druggists Cairo, Ill." (On sides of carton) "Cassidy's 4X For all forms of Blood and Malarial Poison. The only blood medicine which will act on the bowels, thereby removing all impurities from the blood. Cassidy's 4X For Malaria, Liver and Kidney Troubles." (On bottle) "Cassidy's 4X The only Blood Medicine That Acts on the Bowels For the Blood and Malarial Poison. For Contagious Blood Taint, Rheumatism, Scrofula, Cancer, Eczema, Ulcers, Boils, Hereditary Blood Poisoning, and all affections of the skin, caused by Impure Blood. Dose—One-half to one tablespoonful three times daily. For general directions see circular. Price \$1.00 per bottle Six bottles for \$5.00. This preparation contains 50% alcohol, and complies with the Pure Food and Drug Law. Schuh Drug Company, Cairo, Ill." (Blown in bottle) "Cassidy's 4X Schuh Drug Co. Cairo, Ill." The printed pamphlet or circular accompanying the packages included the following statements descriptive of said article: "Syphilis. * * * But if through unwise treatment in the first and second stages the disease has manifest itself in the Tertiary form, the use of Cassidy's 4X becomes more needful, and it is then that its finest results may be expected. In this stage the poison has become deep seated and nothing but a true Remedy can ever hope to reach it. We have this in Cassidy's 4X, and are able to guarantee satisfaction in this most obstinate, as well as loathsome, disease."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume).....	52.50
Nonvolatile matter at 100° C. (grams per 100 cc).....	1.50
Residue on ignition (grams per 100 cc).....	0.11
Acetates as potassium acetate (grams per 100 cc).....	0.10

Emodin reaction, positive. Aloes, indicated. Alkaloids, very slight trace, unidentified. Salicylate, none. Mercury, arsenic, and antimony, none. Ammonium salts, none. Iron, none. Iodids, none. The product is essentially an alcohol-water solution of cathartic-bearing drug, probably aloes, a very small amount of an alkaloid-bearing drug unidentified, and a small amount of potassium acetate.

Misbranding of the product was alleged in the information for the reason that the following statement regarding the therapeutic or curative effects thereof appearing on the carton aforesaid, to wit, "Cassidy's 4X the great Blood Purifier It has been in use for over 20 years with unparalleled success in the treatment of all Blood Poison, Scrofula, Salt-Rheum, King's Evil, Rheumatism, Chronic Ulcers, Old Sores, Erysipelas, Eczema—In fact it is a remedy for all kinds of Humors in the Blood," was false and fraudulent in that the same was applied to said article knowingly and in reckless and wanton disregard of its 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, for the cure of blood poison, scrofula, rheumatism, erysipelas, and eczema, when, in truth and in fact, said article was not, in whole or in part, composed of and did not contain medicinal ingredients or agents effective for the cure of blood poison, scrofula, rheumatism, erysipelas, or eczema. Misbranding was alleged for the further reason that the following statements regarding the therapeutic or curative effects thereof appearing on the label of the carton aforesaid, to wit, "Cassidy's 4X For all forms of Blood and Malarial Poison. The only blood medicine which will act on the bowels, thereby removing all impurities from the blood. Cassidy's 4X For Malaria, Liver and Kidney Troubles," 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 a remedy for malarial poison and malaria, 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 a remedy for malarial poison or malaria. Misbranding was alleged for the further reason that the following statements regarding the therapeutic or curative effects thereof appearing on the label of the bottle aforesaid, to wit, "For Contagious Blood Taint, Rheumatism, Scrofula, Cancer, Eczema, Ulcers, Boils, Hereditary Blood Poisoning, and all affections of the skin, caused by Impure Blood," were false and fraudulent, in that by means of the said circular or pamphlet they 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 a remedy for contagious blood taint, hereditary blood poisoning, and all affections of the skin caused by impure blood, 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 a remedy for contagious blood taint, hereditary blood poisoning, or all affections of the skin caused by impure blood. Misbranding was alleged for the further reason that the further statement regarding the therapeutic or curative effect thereof, included in the circular or pamphlet aforesaid, to wit, "Syphilis. * * * But if through unwise treatment in the first and second stages the disease has manifested itself in the Tertiary form, the use of Cassidy's 4X becomes more needful, and it is then that its finest results may be expected. In this stage the poison has become deep seated and nothing but a true Remedy can ever hope to reach it. We have this in Cassidy's 4X, and are able to guarantee satisfaction in this most obstinate, as well as loathsome, disease," was false and fraudulent in that it was applied to said article knowingly and in reckless and wanton disregard of its 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 in the treatment and cure of syphilis in its tertiary state, when, in truth and in fact, said article was not, in whole or in part, composed of and did not contain any ingredients or medicinal agents effective for the cure of syphilis in its tertiary stage or in any stage of said disease.

On April 5, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$15 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 17, 1915.*