

3972. Misbranding of "Dr. Shoop's Night Cure," "Dr. Shoop's Cough Remedy," and "Dr. Shoop's Restorative." U. S. * * * v. Dr. Shoop's Laboratories, a corporation. Plea of guilty. Fine, \$150. (F. & D. No. 5968. I. S. Nos. 8308-e, 9601-e, 10917-e.)

On March 15, 1915, the United States attorney for the Eastern District of Wisconsin, 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 Dr. Shoop's Laboratories, a corporation, Racine, Wis., alleging shipment by said corporation, in violation of the Food and Drugs Act, as amended:

(1) On or about November 25, 1912, from the State of Wisconsin into the State of Ohio, of a quantity of "Dr. Shoop's Night Cure," which was misbranded. This product was labeled: (On box) "Dr. Shoop's Night Cure Formula of Dr. Shoop, Racine, Wis." (On side) "The 'Night Cure' relieves Ulceration, Inflammation, Leucorrhoea, Painful Ovaries, Falling and Lacerations (wounds) of the Womb, etc. It is Anti-Septic and Anti-Acid. It soothes—it heals. Directions.—First remove paper from each suppository. Before retiring at night use an injection of warm water, throwing it well back to cleanse the uterus of all discharges. Then insert one of the Night Cures, pressing it well back. During the night it will soften by the natural heat of the body, and its effect will reach all diseased or inflamed parts. When improvement begins, the treatment need not be used oftener than two to four times per week. At druggists, or by mail for \$1.00. Dr. Shoop, Racine, Wis." (Statements in foreign languages.) The circular or pamphlet in the packages contained, among other statements, the following: "Dr. Shoop's Night Cure will promptly cure Ulceration, Inflammation or Congestion of the Womb, Leucorrhoea, painful Ovaries, falling of the Womb, irregular or painful Menstruation and all diseases or weakness of women. Will cure lacerated or torn Cervix (due to childbirth), Dropsy of the Uterus. Will prevent and cure Ovarian and other tumors when used early and faithfully, including cancerous conditions."

Analysis of a sample of this product by the Bureau of Chemistry of this department showed the following results: Zinc carbonate and sulphate, present; boric acid, present; mercury compounds, absent; tannin, absent; lead compounds, absent; suppositories, largely cacao butter.

Misbranding of the product was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, included in the circular or pamphlet aforesaid, to wit, "Dr. Shoop's Night Cure will promptly cure Ulceration, Inflammation or Congestion of the Womb, Leucorrhoea, painful Ovaries, falling of the Womb, irregular or painful Menstruation and all diseases or weakness of women. Will cure lacerated or torn Cervix (due to childbirth), Dropsy of the Uterus. Will prevent and cure Ovarian and other tumors when used early and faithfully, including cancerous conditions," were false and fraudulent, in that by means of 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 cure for inflammation or congestion of the womb, leucorrhoea, painful ovaries, falling of the womb, irregular or painful menstruation and all diseases or weakness of women, and effective as a cure for lacerated or torn cervix due to childbirth, dropsy of the uterus, and effective as a preventive and cure of ovarian and other tumors when used early and faithfully, including cancerous conditions, 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 cure for inflammation or congestion of the womb, leucorrhoea, painful ovaries, falling of the womb, irregular or painful menstruation, or all diseases or weakness of women, or effective as a cure for lacerated or torn cervix, due to childbirth, dropsy of the uterus, or effective

as a preventive or cure of ovarian and other tumors, when used in any manner, including cancerous conditions.

(2) On or about February 4, 1913, from the State of Wisconsin into the State of Illinois, of a quantity of "Dr. Shoop's Cough Remedy" which was misbranded. This product was labeled: (On bottle) "Dr. Shoop's Cough Remedy For the Treatment of All Coughs, Arising From Colds, Catarrh, Bronchitis, Whooping Cough, Asthma, and Consumption in its earliest stages. Directions—Children from 1 to 3 years old, 2 to 5 drops; 3 to 5 years, 5 to 10 drops, 5 to 10 years, $\frac{1}{2}$ teaspoonful; over 10 years, a teaspoonful, to be taken 1 to 3 hours apart according to the urgency of the case. Price 25 Cents. Prepared by Dr. C. I. Shoop, Racine, Wis." (Blown in bottle) "Dr. Shoop's Family Medicines. Racine, Wis." (Writing in German on back of bottle.) (On carton) "Dr. Shoop's Cough Remedy For the Treatment of all Coughs Arising From Colds, Catarrh, Bronchitis, Whooping Cough, Asthma, and Consumption in its earliest stages. This remedy positively contains no opium or any other harmful or stupefying drug. It is prepared from strictly harmless plants that I am confident have the greatest possible power to control all Throat and Lung Diseases. Directions:—Children 1 to 3 years old, 2 to 5 drops; 3 to 5 years, 5 to 10 drops; 5 to 10 years, $\frac{1}{2}$ teaspoonful; over 10 years, a teaspoonful. Doses to be taken 1 to 3 hours apart, according to the urgency of the case. Prepared by Dr. C. I. Shoop, Racine, Wisconsin. Price 25 Cents. Opium is a Deadly Drug. Opium will quiet your cough, and if you take enough will quiet you. Nine out of ten cough remedies have contained opium. Why? It quiets the cough. The patients think they are better. So to help sell the medicine the opium is added and the unsuspecting patient is drugged. I will give \$10.00 per drop for every drop of opium or any other quieting drug found in my cough remedy. You never tasted any cough medicine like it before. The chief ingredient of my cough remedy comes from a shrub that grows on the mountains of the South-West. The Spaniards call this shrub 'The Sacred Herb'." (Other writing on carton in foreign languages.) The pamphlet in the packages contained, among other statements, the following: "My first test of this remedy was made right here in Racine. The case was pronounced as consumption—close to its latest stage—a woman other physicians had given up to die. She had coughed for a year and her morning coughing spell completely prostrated her for the day. She was wasted to a skeleton. I have never seen a case that seemed more hopeless. I gave her this shrub extract and in a week she was better. In three weeks her night sweats had ended, and in ten weeks she was cured! This was nearly 20 years ago. She was well and strong years afterward. I wish I could say that this shrub remedy never failed in consumption. I have helped so many consumptives with it that I have come to rely on it. I know that in most cases it performs the utmost that medicine can, and the percentage of successes in all lung cases is so large that it offers every encouragement. I would depend on it confidently if the case were mine. I am confident that in all medical science nothing has ever been found which is more encouraging. Dr. Shoop's Cough Cure acts on the membranes of the throat, lungs, and air passages. It is not alone for coughs, but for all diseases which result from inflammation of these membranes. I recommend it for Bronchitis, Asthma, Whooping Cough and similar ailments."

Analysis of a sample of this product by said Bureau of Chemistry showed the following results: Nonvolatile matter (per cent), 60.1; sugar (per cent), 57.3; ash (per cent), 0.37; ammonium benzoate (per cent), 0.67; resin, present; white pine tar, indicated; alkaloids, none; alcohol, none; gum, indicated; preparation is a sirup containing ammonium benzoate and probably white pine tar and gum.

Misbranding of this product was alleged in the information for the reason that the following statements, regarding the therapeutic or curative effects thereof, included in the booklet aforesaid, to wit, "My first test of this remedy was * * * case

* * * pronounced as consumption—close to its latest stage—a woman other physicians had given up to die * * * I gave her this shrub extract and * * * in ten weeks she was cured * * * I wish I could say that this shrub remedy never failed in consumption. I have helped so many consumptives with it that I have come to rely on it. I know that in most cases it performs the utmost that medicines can, and the percentage of successes in all lung cases is so large that it offers every encouragement. I would depend on it confidently if the case were mine. * * *” “* * * It is not alone for coughs, but for all diseases which result from inflammation of these membranes. I recommend it for Bronchitis, Asthma, Whooping Cough * * *,” were false and fraudulent in that by means of said booklet 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, for the cure of consumption, and effective as a remedy for all diseases resulting from inflammation of the membranes of the throat and for asthma and whooping cough, 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, for the cure of consumption, or effective as a remedy for all diseases which result from inflammation of the membranes of the throat, or for asthma or whooping cough.

(3) On or about February 17, 1913, from the State of Wisconsin into the State of Maryland, of a quantity of “Dr. Shoop’s Restorative” which was misbranded. This product was labeled: (On bottle and carton) “Dr. Shoop’s Restorative Contains 10% Alcohol. Those objecting to the necessary 6 drops alcohol in each spoonful should call for this remedy in tablet form—Dr. Shoop’s Restorative Tablets. The Restorative is intended to correct various derangements of the Stomach, Kidneys, Heart and Catarrhal Troubles. Also Dyspepsia, Indigestion, Biliousness, Jaundice, Torpid Liver, Constipation, Kidney Diseases, Diabetes, Bad Breath, Poor Complexion, Impure Blood, and Nervousness in men or women. Directions.—Two teaspoonfuls before meals and at bed-time. When constipation exists use Dr. Shoop’s Lax-ets, a pleasant candy Bowel Laxative. Prepared by Dr. C. I. Shoop, Racine, - Wis. - U. S. A. Price one dollar.” (Label in German on back of bottle) “Dr. Shoop’s Restorative. A new discovery and treatment through the sympathetic nerves, for indigestion, dyspepsia and diseases of the blood, stomach, liver, and kidneys.” “Cures biliousness, yellow jaundice, and all diseases which have their origin in disturbances of the liver and are indicated by a feeling of heaviness and fullness after eating, flatulence, with gas in the intestines, coated tongue, bad taste in the mouth or bad breath, with hiccough, constipation, pains in the back, dizziness or a feeling of weakness and fatigue with loss of appetite, Bright’s disease, frequent urination (Harnfluss) and similar dangerous complaints following the above symptoms. Take in time before it is too late. “Directions: A dessertspoonful before each meal and before retiring. Where there is unusual weakness of the nerves, or constipation, use also my Lax-ets.” “Prepared by Dr. C. I. Shoop, Racine, Wis. Price \$1.00.” The circular or pamphlet in the packages contained, among other statements, the following: (In French, Norwegian, and Swedish) “Dr. Shoop’s Restorative, a new discovery and treatment, acting on the sympathetic nerves, for the cure of indigestion, dyspepsia, and all diseases of the stomach, liver, kidneys and blood. Cures * * * Bright’s disease, diabetes * * *”.

Analysis of a sample of this product by said Bureau of Chemistry showed the following results: Alcohol (per cent by volume), 10.0; solids (per cent), 26.9; benzoic acid (per cent), 0.15; berberin, hydrastin, and sugar, present; ash (per cent), 0.38; ash contains iron, sodium, potassium, chlorids, sulphates, and phosphates; plant extractive matter indicated.

Misbranding of this product was alleged in the information for the reason that the following statement regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit (from translation of German label on bottle), "Cures * * * Bright's disease * * *," 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 for the cure of Bright's disease, 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 for the cure of Bright's disease.

Misbranding was alleged for the further reason that the following statements regarding the therapeutic or curative effects thereof, included in the circular or pamphlet aforesaid, to wit (translation from French, Norwegian, and Swedish), "Dr. Shoop's Restorative * * * for the cure of all diseases of the stomach, liver, kidneys, and blood." "Cures * * * Bright's disease, diabetes * * *," were false and fraudulent in that, by means of 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 and in part, composed of, or contained, ingredients or medicinal agents effective, among other things, for the cure of all diseases of the stomach, liver, kidneys, and blood, and of Bright's disease and diabetes, 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, for the cure of all diseases of the stomach, liver, kidneys, or blood, or of Bright's disease or of diabetes.

Misbranding of the product was alleged for the further reason that the package of the article bore other statements regarding the therapeutic or curative effects thereof, to wit, "The little child * * * who was suffering with Gastritis, is well. The Restorative has * * * made a perfect cure. Your medicine has almost worked a miracle in this instance * * *," said statements being incorporated in a booklet which was inclosed in the packages, labeled and branded as aforesaid, in manner and form as follows, to wit, "Dr. Shoop. The little child I wrote you about some time ago, and who was suffering with Gastritis, is well. The Restorative has been given according to directions, and I am glad to report that it has made a perfect cure. Your medicine has almost worked a miracle in this instance, as the child can eat anything without any trouble whatever, and one can almost see it growing, getting fatter and rounder, and your medicine has the praise for it.—J. C. Barnes, Leemont, Va.," which said statements were false and fraudulent in that 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 said article was, in whole or in part, composed of, or contained, ingredients or medicinal agents, effective as a cure for gastritis, 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 as a cure for gastritis.

On April 19, 1915, the defendant corporation entered a plea of guilty to the information, and the court imposed a fine of \$150.

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

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