

4152. Misbranding of "Dr. Kermott's Ex. Blackberry." U. S. v. Michigan Drug Co. Plea of guilty. Fine, \$50. (F. & D. No. 6200. I. S. No. 12731-e.)

At the March, 1915, term of the District Court of the United States for the Eastern District of Michigan, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the said district court an information against the Michigan Drug Co., a corporation, Detroit, Mich., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about March 3, 1913, from the State of Michigan into the State of West Virginia, of a quantity of "Dr. Kermott's Ex. Blackberry," which was misbranded. The product was labeled: (On large carton) "Half Dozen Dr. Kermott's Ex. Blackberry 50 Cents For Diarrhoea, Cholera, Etc. Guaranteed by Michigan Drug Co. under the Food and Drugs Act, June 30, 1906. Serial No. 357." (On small carton) "Guaranteed by Michigan Drug Co. under the Food and Drugs Act, June 30th, 1906, Serial No. 357. Dr. J. W. Kermott's Compound Extract of Blackberry A Celebrated Remedy 30% Alcohol 1-2 Gr. Opium to Oz. Diarrhoea, Dysentery, Cholera, Cholera Morbus and all diseases of the Stomach and Bowels. Prepared only by 'The Michigan Drug Co.,' Chemists (Successors to Dr. J. W. Kermott.) Detroit, Mich. Price 50c per bottle. Dr. K. has subjected this remedy to the test of some of the most scientific medical men, both in the United States and Canada, who all, with one voice, acknowledge it to be superior to any other medicinal agent in the cure of the above diseases. It acts promptly, producing a healthy tone throughout the whole alimentary canal. It has proved effectual in thousands of cases in Detroit and vicinity. Suffice it to say, that in 25 years' extensive practice, we have yet to learn of so effectual a remedy. Directions—Dose for an adult, one tablespoonful every two hours, and for children in proportion to their age. (Other statements in French and German)." (On bottle) "Dr. J. W. Kermott's Compound Extract of Blackberry (Alcohol 20% Opium 1-2 gr. to oz.) For the relief of Diarrhoea, Dysentery, Cholera, Cholera Morbus and all painful diseases of the Stomach and Bowels Or as a gargle for Sore Throat. Directions. Dose for an adult, from a teaspoonful to a tablespoonful every two hours, or oftener if the case is severe, and for children in proportion to their age. The Michigan Drug Co., Detroit, Mich. Proprietors. Price 50 cents per bottle. Guaranteed under the Food and Drugs Act, June 30th, 1906, Serial Number 357." (Blown in bottle) "Dr. J. W. Kermott."

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

Alcohol, by specific gravity (per cent)----- 23.3

Capsicum, tannin (probably from blackberry root), morphia:

Present.

Coloring matter: Eosin and natural color resembling blackberry.

Emodin, nitrates, chlorates: Absent.

The presence of opium could not be definitely proved on account of the interfering action of the dye.

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, (On small carton) "A Celebrated Remedy \* \* \* Dysentery, Cholera \* \* \* and all diseases of the Stomach and Bowels. \* \* \* Dr. K. has subjected this remedy to the test of some of the most scientific medical men, both in the United States and Canada, who all, with one voice, acknowledge it to be superior to any other medicinal agent in the cure of the above diseases," (In German) "Celebrated Remedy for the cure of \* \* \* Dysentery, Cholera \* \* \* and all diseases of the stomach and

bowels," (In French) "Celebrated Remedy for the cure of \* \* \* Dysentery \* \* \* and all diseases of the stomach and bowels," 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 cure for cholera, dysentery, and all diseases of the stomach and bowels; 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 cholera, dysentery, or all diseases of the stomach or bowels.

On April 19, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

CARL VROOMAN, *Acting Secretary of Agriculture.*