

4437. Misbranding of "Essence Mentho-Laxene." U. S. * * * v. The Blackburn Products Co., a corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 6392. I. S. No. 7180-e.)

On October 15, 1915, the United States attorney for the Southern District of Ohio, 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 Blackburn Products Co., a corporation, Dayton, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about January 20, 1913, from the State of Ohio into the State of Tennessee, of a quantity of "Essence Mentho-Laxene," which was misbranded. The article was labeled: (On carton) "Open this End Each Bottle is warranted by the Proprietors to be in every way satisfactory or money will be refunded by them. To Make One Pint 2½ Ozs. Compound Essence Mentho-Laxene Trade Mark Alcohol 35 Per Cent. Shake Well Concentrated To make one pint laxative Cough Syrup Guaranteed by the Blackburn Products Co. Dayton, Ohio. Under the Food & Drug Act. June 30 1906 No. 1204-A Price 75 Cents Open other End Avoid Consumption by prompt treatment of any Cough or Cold, and keep the Bowels active. Essence Mentho-Laxene, when prepared with Syrup (see inclosed circular) makes a powerful, though harmless Lung, Bronchial and System Remedy. Its laxative action, its tonic action, and its soothing action on the inflamed and congested lung and throat membrane is unsurpassed by anything we know of. The concentrated compound Essence Mentho-Laxene is undoubtedly superior to any Pine, Squill or Tar Cough preparation ever manufactured. It has a very mild laxative action when taken regularly for Coughs, Colds and La Grippe, and this prevents the accumulation of poisonous disease matter in the tissues and blood of the whole body. A single dose is not laxative, but 8 to 10 doses daily usually relieves Constipation mildly. It affords instant relief for Asthma. Ten drop doses of this concentration may be taken by Asthma sufferers, or a tablespoonful of the Syrup. Essence Mentho-Laxene in concentration can be highly recommended for Colic, Flatulency, Sour Stomach, Sea Sickness, Car Sickness, Sick Headache, Tickling in Throat, Hic-coughs, and for Weakened Stomach after dissipation with alcoholic drinks. Mentho-Laxene is a small medicine cabinet for every household, and especially country folks. The dose of this concentration is small. One to three drops for Infants. Five to ten drops for Adults. To Make Cough Syrup, see Circular Enclosed None Genuine without this Signature The Blackburn Products Co. Dayton, Ohio. Full direction enclosed Essence Mentho-Laxene is very effectual in the treatment of Cough, Bronchitis, Croup, Sore Throat, Hoarseness, Whooping Cough, Colds, La Grippe, Chronic Soreness, and Weakness of the Lungs and Bronchial Tubes. Also beneficial as a laxative, tonic, and stomachic. Relieves and remedies chronic conditions of the Throat and Lungs where Other Cough Syrups relieve only and Then Aggravate. The contents of this bottle makes one pint of Laxative Cough Syrup. Shake Well Before Using." (On bottle) "Contains 2½ Ounces Compound Essence Mentho-Laxene Trade Mark Alcohol 35% Concentrated To Make One Pint Laxative Cough Syrup Directions: Empty contents of this bottle into a pint bottle or jar, and add simple sugar syrup, cold, to fill it. Shake well. Make the sugar syrup as follows: Take 1 pint (¾ lb) granulated sugar add ½ pint of boiling water, put over fire, let come to a boil, stir, cool, and mix with Mentho-Laxene. Dose of pure concentration two to ten drops. Adult Dose Syrup, one teaspoonful 8 to 10 times daily as required. Children, Dose: 10 drops to a teaspoonful according to age, 8 to 10 times daily. Guaranteed by The Blackburn Products Co. Dayton, O. Under the foods and drugs Act of June 30, 1906, No. 1204-A." The circular or

pamphlet accompanying the article contained, among other things, the following: "Its use at the right time may prevent pneumonia, consumption, tonsillitis, bronchitis, fever, pain, and suffering." "Use the pure essence Mentho-Laxene To Prevent, Check, or Abort a Cold, or La Grippe." "Apply This Label to Bottle of Prepared Syrup. Keep Corked Tight. Mentho-Laxene Cough Syrup A Laxative, Tonic, Curative Remedy when 8 to 10 doses are taken daily. Superior to Pine Ipecac or Tar Syrup. Shake the Bottle. Use for Coughs, Colds, La Grippe, Croup, Asthma, Sore Throat, Hoarseness, Weak Stomach, Constipation, Nausea, Headache, Diarrhea, Cholera Morbus etc. Dosage: Asthma 1 tablespoonful every hour or two."

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

Alcohol (per cent by volume).....	34.0
Specific gravity, at 25° C.....	1.0704
Menthol, ammonium salt, chlorid, sugar, drug extract, alkaloid (not identified): Present.	

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, "Essence Mentho-Laxene, when prepared with Syrup (see enclosed circular) makes a powerful, though harmless Lung * * * Remedy," and included in the circular or pamphlet aforesaid, to wit, "Its use at the right time may prevent * * * consumption * * *," "Use the pure essence Mentho-Laxene To Prevent, Check, or Abort * * * La Grippe," "Apply This Label to Bottle of Prepared Syrup. * * * Mentho-Laxene Cough Syrup A Laxative, Tonic, Curative Remedy when 8 to 10 doses are taken daily. * * * Use for * * * La Grippe, Croup, Asthma * * * Dosage: Asthma, 1 tablespoonful every hour or two * * *," were false and fraudulent in that the same were applied to the 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, when prepared with syrup, as a lung remedy, as a preventive of consumption and la grippe, as a remedy for la grippe, and effective, when used with syrup, as a remedy, for la grippe, croup, and asthma, when, in truth and in fact, it was not, in whole or in part, so composed, and did not contain such ingredients or medicinal agents.

On November 9, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*