

4439. Misbranding of "Celery-Vesce." U. S. v. James Vannatta, et al. (Century Chemical Co.). Plea of guilty by defendant Vannatta to count 1 of indictment. Fine, \$50 and costs. Count 2 of indictment nolle prossed. (F. & D. No. 6394. I. S. No. 7906-e.)

At the November term, 1915, of the District Court of the United States for the District of Indiana, the grand jurors of the United States in and for said district, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned an indictment against James Vannatta and C. Cromer Burget, trading as Century Chemical Co., Indianapolis, Ind., charging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on December 3, 1912, from the State of Indiana into the State of Ohio, of a quantity of "Celery-Vesce," which was misbranded. The article was labeled: "Celery Trade Mark Vesce Acetphenetidin less than four per cent Compound Vanilla Flavoring (Granular Effervescent) Keep Dry, Cool and Well Corked Pleasant As Cream Soda A speedy remedy for Headache, Neuralgia, Sleeplessness, Depression, induced by excessive indulgence in liquor, Sour Stomach, Indigestion, Nausea, Painful Menstruation, and other Nervous Disorders. Celery-Vesce contains no morphine, opium, antipyrine, bromo or acetanilid. It is exhilarating instead of stupefying. Directions:—Dash with force a third of a glass of water on a heaping teaspoonful. Drink while foaming. Repeat in twenty minutes if necessary. Price \$1.00 2-12 Guaranteed under the Pure Food and Drugs Act, June 30, 1906 Serial No. 862. Prepared only by Century Chemical Co. Mfg. Chemists Indianapolis, Ind." (Blown in bottle) "Celery-Vesce Chemical Co., Indianapolis, Ind. U. S. A." (On carton) "Celery-Vesce Acetphenetidin less than 4 per cent. Compound Vanilla Flavoring. Guaranteed by Century Chemical Co. under the Pure Food and Drugs Act, June 30, 1906. Serial No. 862. Contains No Opiates Is Exhilarating Instead of Stupefying Price \$1.00 Prepared Only By Century Chemical Company Manufacturing Chemists Indianapolis Indiana Celery-Vesce Celery-Vesce —For—Headache Neuralgia Nervousness Sour Stomach Indigestion Sleeplessness and Painful Menstruation Pleasant as Cream Soda." The circular or pamphlet accompanying the article contained, among other things, the following: "In all cases where the brain and nervous system are in an abnormal condition, one or two full doses of Celery-Vesce will restore healthy action to the brain and nerves." "As a remedy for the chronic use of morphia or liquor, Celery-Vesce is without a rival, its bracing effect lessening the desire for opium or spirits, and thus furnishing valuable assistance to those who are endeavoring to break away from the morphine habit or the chronic use of alcoholic beverages." "You have no idea of the wonderful virtues of a celery compound until you try Celery-Vesce, the king of remedies and a giant of healing power. You cannot afford to be without it if you are subject to Headache, Neuralgia, Nervousness, Bad Stomach, Insomnia, or Painful Menstruation. In these ailments it acts as if by magic."

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

Acetphenetidin (per cent).....	3.20
Caffeine (per cent).....	1.04
Sodium phosphate (per cent).....	0.27
Celery (by odor): Insignificant.	
Vanillin and coumarin: Indicated.	

Misbranding of the article was charged in the first count of the indictment for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing in the circular or pamphlet aforesaid, to wit,

"In all cases where the brain and nervous system are in an abnormal condition, one or two full doses of Celery-Vesce will restore healthy action to the brain and nerves," "As a remedy for the chronic use of morphia or liquor, Celery-Vesce is without a rival, its bracing effect lessening the desire for opium or spirits, and thus furnishing valuable assistance to those who are endeavoring to break away from the morphine habit or the chronic use of alcoholic beverages," "You have no idea of the wonderful virtues of a celery compound until you try Celery-Vesce, the king of remedies and a giant of healing power. You cannot afford to be without it if you are subject to Headache, Neuralgia, Nervousness, Bad Stomach, Insomnia, or Painful Menstruation. In these ailments it acts as if by magic," 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, for the cure of headache, neuralgia, insomnia, and painful menstruation, and for restoring healthy action to the brain and nerves, and effective as a remedy for the chronic use of morphia and alcoholic beverages, when, in truth and in fact, it was not, in whole or in part, composed of, and did not contain, such ingredients or medicinal agents. Misbranding was charged in the second count of the indictment for the reason that the following statement, appearing in prominent type on the labels as the trade name of said article, to wit, "Celery- * * * Vesce," was false and misleading in that it indicated to purchasers that the article was composed of, and contained, celery as its principal and most active medicinal ingredient, when, in truth and in fact, it was not composed of, and did not contain, celery as its principal and most active medicinal ingredient, but did contain as its principal and most active medicinal ingredient, to wit, 3.20 per cent acetphenetidin.

On November 29, 1915, the defendant Vannatta entered a plea of guilty to the first count of the indictment and not guilty as to the second count, and the court imposed a fine of \$50 and costs. The second count of the indictment was nolle prossed. The defendant Burget died prior to the date of the close of the case.

CARL VROOMAN, *Acting Secretary of Agriculture.*