

4673. Misbranding of "Dr. D. Kennedy's Favorite Remedy." U. S. v. Dr. David Kennedy Co., a corporation, trading as Dr. David Kennedy's Sons. Plea of guilty. Fine, \$50. (F. & D. No. 7079. I. S. No. 9594-h.)

On April 17, 1916, the United States attorney for the Southern District of New York, 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. David Kennedy Co., a corporation, trading as Dr. David Kennedy's Sons, Rondout, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on February 28, 1914, from the State of New York into the State of Connecticut, of a quantity of "Dr. D. Kennedy's Favorite Remedy," which was misbranded. The article was labeled: (On carton, front) "Net 10 ozs. Dr. D. Kennedy's Favorite Remedy. Contains 18.4% Alcohol. A Medicine for Purifying the Blood, Restoring the Disordered Liver to a healthy condition, and correcting the worst cases of Habitual Constipation of the Bowels. It is a valuable remedy for the Diseases and Weaknesses peculiar to Females, and affords great protection from attacks that originate in Change of Life, of seasons, and of climate. For Scrofula and all Scrofulous Affections, Eruptive and Cutaneous Diseases, Pain in the Bones, Suppurative or Mercurial Diseases, Rheumatism, Dyspepsia, Ulceration of the Kidneys and Bladder; Gravel, Diabetes, and all Urinary Deposits, indeed all disorders arising from an impure state of the Blood; It is certainly one of the best Alterative Medicines ever offered to the public for restoring tone and strength to the system which has been Debilitated by Disease. Price One Dollar. Directions on Inside Wrapper. Dr. David Kennedy Co., Rondout, N. Y. U. S. A." (Back of carton, same as front, except that "Net 10 ozs.," does not appear.) (Sides) "Favorite Remedy, for the Blood and Liver." "Discovery of Dr. D. Kennedy, of Rondout, City of Kingston, N. Y." (Top flap) "Dr. David Kennedy's Salt Rheum Cream. Be sure you get Salt Rheum cream, not Salt Rheum Ointment. Best in the world for Salt Rheum, Scald Head, Erysipelas, Scrofulous Ulcers, Tetter, Dandruff, Ringworm, Cuts, Bruises, Burns, etc. Price 50 cts. a jar. This outside wrapping adopted 1902." (Sticker on top flap) "Dr. David Kennedy's Genuine Preparations. D. Kennedy M. D. Rondout, N. Y. Rondout, N. Y." (Cut of building bearing sign on front) "1875 Established Dr. D. Kennedy's Favorite Remedy." (Bottom flaps) "Dr. David Kennedy's Golden Drops. Internal and external remedy, affording instant relief in Cholera Morbus, Cramps and in all bowel and stomach troubles—also for Neuralgia, Rheumatism, Bruises, Burns, etc. Price 25 and 50 cts. per bottle. Dr. David Kennedy's Worm Syrup. Most effective medicine of the kind known. Price 25 cts. per bottle. Use Dr. David Kennedy's Golden Plasters. They are porous, strengthen the muscles, remove pain from all parts of the body, especially useful over the back, kidneys and liver. The best plaster made. Price 15 cts. each. Dr. David Kennedy's Rose Jelly. For the Radical cure of Catarrh, Hay Fever, Cold in the head, etc. Price 50 cts. per bottle. Dr. David Kennedy's Magic Eye Salve. For all diseases of the eye. Granulations or affections of the Lids, inflammation or weakness of any cause." (On bottle) "Dr. D. Kennedy's Favorite Remedy. Contains 18.4% Alcohol. A Medicine for Purifying the Blood and restoring the Disordered Liver to a healthy condition, and most effectually correcting Habitual Constipation of the Bowels. It is a valuable remedy for the Diseases and Weaknesses peculiar to Females, and affords great protection from attacks that originate in Change of Life, of Season and of Climate. Used for Scrofula and all Scrofulous Affections, Eruptive and Cutaneous Diseases, such as St. Anthony's Fire, Rose or Erysipelas, Pustules, Tetter or Salt Rheum, Pimples, Boils, Blotches, Scald Head, Ringworm, Ulcers and Sores, Tumors, Pain in the Bones, Syphilitic and Mercurial

Diseases, Rheumatism, Dyspepsia, Ulceration of the Kidneys and Bladder, Gravel, Diabetes, and all Urinary Deposits, and indeed for all disorders arising from an impure state of the blood; and it is beyond doubt one of the best Alterative Medicines ever offered to the Public for restoring Tone and Strength to the system that has been Debilitated by Disease. Price, \$1.00. Fac-Simile Signature of the Discoverer D. Kennedy M. D. No. 943 Guaranteed under U. S. Food and Drugs Act, June 30, 1906 Dr. David Kennedy's Sons, Rondout, N. Y. Directions for Using Dr. David Kennedy's Favorite Remedy. Dose for an adult—One teaspoonful three times a day, half hour after breakfast, dinner, and upon going to bed. Dose for a delicate person—half to a teaspoonful twice a day. Dose for a child, ten to fifteen—half teaspoonful twice a day. Dose for infants, one to two—three to ten drops twice a day. Always dilute in three times the quantity of sweet milk, or hot water. It should operate on the bowels once or twice a day. If it acts too strongly on the bowels lessen the dose and take it in sweet milk if agreeable, if not, take clear Favorite Remedy, drinking cold water after, returning to the full dose, as soon as the bowels permit. In severe cases of constipation, increase dose and take it in one-half glass hot water. Use faithfully." (Same directions in German) "David Kennedy, M. D. For more full directions see page 31 of book wrapped around bottle. Contains 18.4% of the purest grain alcohol." The booklet accompanying the article contained, among other things, the following: "Dr. David Kennedy's Preparations (we give list of ingredients upon request) Favorite Remedy Price \$1.00 Used successfully in Kidney, Liver and Blood disorders: Gravel Stone, Inflammation of the Bladder, Scrofula and all Blood Humors." "Dr. Kennedy's Favorite Remedy leads the list of advertised remedies for Constipation. We believe no other medicine can produce the same results with a like degree of satisfaction. The most obstinate cases of constipation, and the many disorders that follow in its train, such as Biliaryness, Dyspepsia, Headache, Cerebral Congestion, Disordered Stomach, Piles, Female Irregularities, Low Spirits, Kidney and Bladder Troubles, etc., are wonderfully relieved by its timely use." "For all diseases of the Kidneys, Dr. Kennedy's Favorite Remedy is most helpful." "Dr. Kennedy's Favorite Remedy is highly recommended for all diseases of the Kidneys." "Uraemia Symptoms: Headache, drowsiness, Nausea, vomiting, impaired vision, specks before the eyes, shortness of breath, suppression of urine, dizziness, irregular heart, convulsions, delirium, coma, or insensibility. The whole body is saturated with a poisonous by-product of digestion called urea that is formed in the glands, in dropsical effusions of the blood, and in the perspiration. As this is also one of the effects of faulty digestion, one of the best treatments obtainable is the use of Dr. Kennedy's Favorite Remedy." "Favorite Remedy for all kidney disorders." "Dr. Kennedy's Favorite Remedy is of the greatest value in the treatment of various blood and skin diseases, such as Salt Rheum, Scrofula, Ulcers, Scald Head, Erysipelas, Fever Sores, Pimples, Boils, Carbuncles, Ulcerated Sore Legs, and many other forms of skin troubles." "Malaria—Death in the Breeze. The best medicine with which it can be successfully combated is Dr. Kennedy's Favorite Remedy." "Favorite Remedy is the best preventive of Chills and Malarial Fever you can use." "In the treatment of Scrofulous Ulcers, Sores, Glandular Swellings, and various forms of Eczema, its remedial power is far beyond that of any other advertised preparation. It is not merely for temporary relief, but, by its action in purifying the blood, may truly be said to strike at the roots of blood diseases." "Scrofula, Erysipelas, Fever Sores, Measles, Ulcers and other Blood Disorders are all caused by impure blood, for the removal of which Dr. Kennedy's Favorite Remedy is so highly recommended." "Milk or White Leg.—This disease is an

exceedingly painful inflammation and swelling of one or more of the lower limbs. The Favorite Remedy may be used with great satisfaction." "For Affections of the Kidneys, such as Diabetes, Dropsy, Ulceration, Degeneration, Wasting Away, Enlargement, Inflammation, and all conditions of the Kidneys and Bladder, the safe and positive remedy is Favorite Remedy."

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

Alcohol (per cent by volume)-----	18.00
Nonvolatile matter (per cent)-----	59.10
Ash (per cent)-----	1.27
Sucrose (per cent)-----	48.90
Potassium acetate (grams per 100 cc)-----	4.15
Methyl salicylate, aloes, licorice, and oil of sassafras: 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, (On carton) "Dr. D. Kennedy's Favorite Remedy. * * * for * * * correcting the worst cases of Habitual Constipation of the Bowels. It is a valuable remedy for the diseases and weaknesses peculiar to females and affords great protection from attacks that originate in Change of Life, of seasons, and of climate. For Scrofula and all Scrofulous Affections, Eruptive and Cutaneous Diseases * * * Suppurative or Mercurial Diseases, Rheumatism, Dyspepsia, Ulceration of the Kidneys and Bladder; Gravel, Diabetes, and all Urinary Deposits, indeed all disorders arising from an impure state of the blood * * *." (On bottle) "Dr. D. Kennedy's Favorite Remedy * * * for * * * most effectually correcting Habitual Constipation of the Bowels * * * Used for Scrofula and all Scrofulous Affections, Eruptive and Cutaneous Diseases, such as St. Anthony's Fire, Rose or Erysipelas, Pustules, Tetter or Salt Rheum * * * Ring Worm, Ulcers * * * Tumors * * * Syphilitic and Mercurial Diseases * * *," and included in the booklet aforesaid, to wit, "Dr. David Kennedy's Preparations * * * Favorite Remedy * * * Used successfully in * * * Inflammation of the Bladder * * * and all Blood Humors," " * * * Piles * * * are wonderfully relieved by its timely use," "For all diseases of the Kidneys, Dr. Kennedy's Favorite Remedy is most helpful," "Dr. Kennedy's Favorite Remedy is highly recommended for all diseases of the Kidneys," "Uraemia * * * one of the best treatments obtainable is the use of Dr. Kennedy's Favorite Remedy," "Favorite Remedy for all kidney disorders," "Dr. Kennedy's Favorite Remedy is of the greatest value in the treatment of * * * Carbuncles * * *," "Malaria—Death in the Breeze—The best medicine with which it can be successfully combatted is Dr. Kennedy's Favorite Remedy * * *," "Favorite Remedy is the best preventive of Chills and Malarial Fever you can use," "* * * Measles * * * for the removal of which Dr. Kennedy's Favorite Remedy is so highly recommended," "Milk or White Leg * * * The Favorite Remedy may be used with great satisfaction," "For Affections of the Kidneys, such as * * * Degeneration, Wasting Away, Enlargement, Inflammation * * * the safe and positive remedy is Favorite Remedy," 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 correcting the worst cases of habitual constipation of the bowels, as a valuable

remedy for the diseases and weaknesses peculiar to females, effective to afford protection from attacks that originate in change of life, of seasons, and of climate; as a remedy for scrofula and all scrofulous affections, eruptive and cutaneous diseases, suppurative and mercurial diseases, rheumatism, dyspepsia, ulceration of the kidneys and bladder, gravel, diabetes, and all urinary deposits; for all disorders arising from an impure state of the blood; as a cure for all cases of habitual constipation of the bowels; as a remedy for St. Anthony's fire, rose or erysipelas, pustules, tetter or salt rheum, boils, ring worms, ulcers, tumors, and syphilitic diseases; for inflammation of the bladder and all blood humors; as a relief for piles; as a remedy for all diseases of the kidneys; for uremia and all kidney disorders; for carbuncles and malaria; as a preventive of chills and malarial fever; effective to strike at the roots of blood diseases, and effective as a remedy for measles and milk leg; for degeneration of the kidneys, wasting away of the kidneys, enlargement of the kidneys, and inflammation of the kidneys, 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.

On May 4, 1916, 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.*