

5271. Misbranding of "Dr. Bell's Pine Tar Honey." U. S. * * * v. E. E. Sutherland Medicine Co., a corporation. Plea of guilty. Fine, \$100. (F. & D. No. 7691. I. S. Nos. 3305-1, 3322-1.)

On December 19, 1916, the United States attorney for the Eastern District of Pennsylvania, 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 E. E. Sutherland Medicine Co., a corporation, doing business at Philadelphia, Pa., alleging the sale by said company, on or about June 29, 1914, in violation of the Food and Drugs Act, as amended, under a guaranty that the article was not misbranded within the meaning of the Food and Drugs Act, of a quantity of an article labeled in part, "Dr. Bell's Pine Tar Honey," which was a misbranded article within the meaning of the said act, as amended, and which said article, in the identical condition in which it was received, was shipped by the purchaser thereof, on or about May 12, 1915, and July 14, 1915, from the State of Pennsylvania into the State of New York, in further violation of the said act as amended.

Analyses of samples of the article by the Bureau of Chemistry of this department showed it to be a hydroalcoholic solution containing ammonia, glycerin, pine tar, sassafras, capsicum, reducing sugars, an emodin bearing drug, and alkaloids.

It was charged, in substance, in the information that the article in the first shipment was misbranded for the reason that certain statements on the labels of its box and carton falsely and fraudulently represented it as a cure for croup, whooping cough, all soreness of the throat, chest, and lungs, and incipient consumption, and effective for the relief of all coughs and allaying inflammation of the throat, chest, lungs, and bronchial tubes, when, in truth and in fact, it was not. Misbranding was alleged for the further reason that certain statements included in the booklet accompanying the article falsely and fraudulently represented it as a cure of inflammation of the walls of the lungs, effective for reanimating the diseased lungs, spent and wounded by the cough, in restoring the normal activity in the interior linings of the stomach and in the mucous membranes of the nose, throat, bronchial tubes, and lungs, for destroying microbes and contagious diseases, restoring the lungs, strengthening the respiratory organs and giving vigor and vitality to the whole system, for making the blood receive a sufficient amount of oxygen, strengthening the blood and protecting the lungs against contagious diseases, as a remedy for and preventive of consumption, effective for giving permanent health to all the mucous membranes of the human body, for cicatrizing and cutting off the flow of pus and mucus, for curing the putrefaction and the poison of the microbes, killing and destroying infectious germs, for curing all inflammation and cicatrizing all infectious wounds, as a cure and preventive of catarrh, whooping cough, and grippe, for enriching the blood and creating good flesh, as a remedy for sore throat, as a cure and preventive of pneumonia, for preventing colds, for curing grippe, influenza, colds, and catarrh, as a specific for asthma and bronchitis, and as a remedy for diphtheria, when, in truth and in fact, it was not.

It was further charged, in substance, that the article in the second shipment was misbranded for the reason that certain statements appearing on the label of the carton falsely and fraudulently represented it as a cure for croup, whooping cough, all soreness of the throat, chest, and lungs, grippe, asthma, and incipient consumption, and effective for the relief of all coughs

and for allaying inflammation of the throat, chest, lungs, and bronchial tubes, when, in truth and in fact, it was not. Misbranding of the article in both shipments was alleged in substance for the further reason that it failed to bear a statement on the label of the wholesale box and the retail carton (or the label of the carton, as the case might be) of the quantity or proportion of alcohol contained therein.

On March 13, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$100.

R. A. PEARSON, *Acting Secretary of Agriculture.*