

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 718, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG PRODUCT—"STUART'S CATARRH TABLETS".

On or about November 5, 1909, the F. A. Stuart Company, a corporation, Marshall, Mich., shipped from the State of Michigan into the State of New York a consignment of a drug product labeled "Stuart's Catarrh Tablets. Always look for the signature F. A. Stuart; none genuine without it, price 50 cents * * * Constitute a new and effectual cure for nasal catarrh, catarrh of the throat, catarrh of the stomach, catarrh of the liver, intestinal catarrh, catarrh of the bladder, cold in the head and hay fever * * * No. 10 Guaranteed under the Food and Drugs Act, June 30, 1906"; and accompanied by pamphlets containing the following statements: "Composed as they are of antiseptics there is no risk of taking too many * * * We know that the regular daily use of these tablets will cure catarrh * * * Owing to the large amount of antiseptic remedies contained in them, the tablets are unpleasant and nauseating to some persons, but these antiseptics are absolutely necessary to cure the disease and drive out the catarrh poison." Samples from the above shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to consist of ash (consisting of talc and calcium carbonate, and trace of iron) 31.9 per cent, sucrose (cane sugar) 59.1 per cent, moisture 0.93 per cent, the balance consisting of sanguinaria and a little starch. The alkaloid sanguinarin was detected.

As the above analysis and report thereon indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said F. A. Stuart Company and the party from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that the above shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed against the said F. A. Stuart Company in the District Court of the United States for the Eastern District of Michigan, charging the above shipment, and alleging that the statements appearing on the label and in the pamphlet above quoted regarding the article and the ingredients or

substances contained in said product constitute a misbranding under the law, in that the analysis of a sample thereof made by the Bureau of Chemistry of the United States Department of Agriculture showed the preparation to consist of compressed tablets composed of sugar, talc, and calcium carbonate, containing as its chief active ingredient sanguinarin, and flavored with sassafras and probably wintergreen, and inasmuch as this analysis failed to show that the product contained drugs possessing therapeutic properties adequate to attain the cures claimed for it by the said F. A. Stuart Company in the above label and accompanying pamphlet; and inasmuch as the said analysis failed to show the presence of the "large amount of antiseptics" it was above represented by its manufacturers as containing, said statements being false and misleading to the purchaser.

On October 12, 1910, the defendant corporation appeared by F. A. Stuart, its president, and entered a plea of nolo contendere, whereupon the court imposed a fine of \$10.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *December 13, 1910.*