

An Error of the

Ohio Pure Food Commission.

Respectfully Submitted

to the

Medical Profession.

Letter from PROFESSOR C. T. P. FENNEL,  
Chemist for the Ohio Pure Food Commission,  
TO THE ATTORNEY OF MARIANI & COMPANY.

Luci Oct 26/94.

L. M. Leichtenstein Esq  
New York

Dear Sir

In reply to yours of the  
25<sup>th</sup> inst I will say that I have not seen <sup>any</sup> ~~the~~ <sup>no</sup> papers  
& consequently can base ~~no~~ <sup>no</sup> opinions  
on the garbled versions presented. I should  
like to read them <sup>and</sup> make such corrections  
as will set the matter right. In same  
mail I received a circular letter of your clients  
ably setting forth the claims of the late  
suppleasantry. This circular letter covers  
the case exactly <sup>and</sup> I do not see what I  
could add to it to strengthen your stand.

Yours truly,  
C. T. P. Fennel

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TELEPHONE, 1151 18TH ST.

MARIANI & Co.

New York, 52 West 15th Str.

PARIS: 41 BOULEVARD HAUSSMANN.

LONDON: 239 OXFORD ST

MONTREAL: 28-30 HOSPITAL ST.

NEW YORK: 52 WEST 15TH ST.

To the Medical Profession:

Gentlemen—In justice to the many thousand physicians, who during the past thirty years have endorsed and prescribed "Vin Mariani," we have taken pleasure in compiling and submitting the following pages, thus giving the most overwhelming proof to our patrons and the entire medical profession that their confidence in "Vin Mariani" is well placed and thoroughly merited.



STANDARD  
COCA PREPARATIONS.

Introduced through the  
Medical Profession  
since 1863.

Very respectfully,

VIN MARIANI (Wine).  
ELIXIR MARIANI (Cordial).  
THÉ MARIANI (Extr. Fluid).  
PÂTE MARIANI (Lozenge).  
PASTILLES MARIANI (Lozenge).  
(Coca and Cocaine).

Invariably uniform in results.

To avoid substitution please specify  
"MARIANI."

### The Ohio Pure Food Law and "Vin Mariani."

**N. Y. MEDICAL JOURNAL,** The Pure Food Commission's chemist, Professor Charles T. P. Fennel, Jan. 5, '95, p. 31. held that "Vin Mariani" was "not up to the standard within the meaning of the law." The commission's procedure, hasty and summary as it seems to have been in this instance, attracted wide attention by reason of the copious references made to it in the newspapers and on account of the great esteem in which the preparation had been held for many years. Consequently, M. Mariani and his associates and representatives in business suffered an injustice—unintentional, no doubt, so far as the commission and its chemist were concerned, as is shown by the fact that Professor Fennel has since acknowledged formally that an error was committed.

### Mistakes in the Execution of Food-Adulteration Laws.

**MEDICAL NEWS,** Those who are responsible for Philadelphia, Dec. 8, '94, p. 640. the desirable prosecution of offenders against the laws as to the adulteration of foods should be extremely cautious not to make mistakes in selecting the articles against which to proceed. Against proprietary preparations, as such, owned or manufactured by non-medical men, there can be no criticism; indeed, medicine is indebted to non-medical chemists and honorable manufacturers for many preparations that have been of great service in therapeutics. It would be a pity if the justifiable intolerance of the nostrum traffic should proceed to such lengths as to include useful non-secret preparations made by respectable manufacturers. To make a mistake in choosing articles against which to proceed (as, for example, the Ohio Pure Food Commission did in the case of "Vin Mariani"), weakens the power of the prosecutors and creates a prejudice against their judgment. There are plenty of certainly and really adulterated articles; there are plenty of secret preparations and nostrums against which action can be taken with benefit to public health.

### A Victory for "Vin Mariani."

**Dr. SAJOUS' UNIVERSAL MED. JOURNAL,** A mistake sometimes  
**Philadelphia, December, 1894, p. 20.** serves to shed light; a  
 mistake has served to  
 officially prove that "Vin Mariani" is clearly and completely  
 up to the standard its patrons and owners claim for it. Prof.  
 C. T. P. Fennel, of Cincinnati, chemist of the Ohio Pure Food  
 Commission, having, by error, included "Vin Mariani" in a  
 list of products not up to the standard within the meaning of the  
 law, not only acknowledged his mistake, but also authorized the  
 public announcement that its sale in the State of Ohio was per-  
 fectly lawful. The stringent laws regulating food products in  
 Ohio make this testimonial exceedingly valuable not only to  
 Mariani & Co., but also to physicians at large, for it demon-  
 strates to the latter that the confidence they have always shown  
 in "Vin Mariani" as a nerve tonic lay on a solid basis. We  
 can hardly see how any other conclusion could be reached when  
 we consider the list of names indorsing it—*i. e.*, the cream of  
 the profession.

#### "Vin Mariani" and the Ohio State Food Commission.

**BROOKLYN MEDICAL JOURNAL,** The Ohio Dairy and Food  
**December, 1894, p. 747.** Commission has recently begun  
 a vigorous attack upon the adul-  
 teration of foods and drugs in that State, and in six months  
 has brought about ninety cases before the courts. One of these  
 cases was that against a prominent druggist of Cincinnati, for  
 selling "Vin Mariani," as being a preparation below the stand-  
 ard required by the Ohio Pure Food Law. The chemist of the  
 commission has, we are informed, since he made his report  
 adverse to "Vin Mariani," found that he was in error, and  
 that the preparation is up to the standard and that its sale in  
 Ohio is perfectly legitimate.

#### Editorial.

**MEDICAL MIRROR,** In another column will be  
**St. Louis, November, '94, p. 520.** found a refutation of a recent  
 reflection upon "Vin Mariani."  
 "Vin Mariani" has been before the medical profession for  
 many years. It has received the indorsement, almost unani-

mously, of the leading members of the medical profession the world over. It seemed to us, when we read the published attack, a few weeks ago, against this product which we had invariably found so valuable, that some mistake had been made. It is with great pleasure that the *Medical Mirror* publishes the announcement of the Vin Mariani Company, and begs to assure its readers that full investigation has satisfactorily proven the purity and reliability of this product. Were this not so, the *Mirror* would not be willing to continue the advertisement of "Vin Mariani." The editor of the *Mirror* has for years used, to most excellent advantage, "Vin Mariani" among his patients in need of a supporting wine. It has served admirably as a crutch to lift up broken nerves and tide over dangers, and give patients help until upon the high and dry land of health.

#### One Mistake of the Ohio Pure Food Commission.

**MEDICAL PROGRESS,** It seems that the chemist of  
**Louisville, December, '94, p. 295.** the Ohio Pure Food Commission was a little hasty in his examination of "Vin Mariani." We are to-day in receipt of a communication which shows that, according to the latest edition of the United States Dispensatory, this preparation is up to the standard, as established therein. It is well that the mistake has been discovered and corrected so quickly, as no injustice should be done to anyone.

#### "Vin Mariani."

**N. A. JOURNAL OF HOMEOPATHY,** "Vin Mariani" seems to have  
**New York, January, '95, p. 8.** come out of its trouble with the Ohio Food and Dairy Commission, with flying colors; Professor Fennel has admitted that their product is fully up to standard.

#### Editorial.

**NATIONAL MEDICAL REVIEW,** "Vin Mariani" has won  
**Washington, D. C., December, '94, p. 160.** the day over the un-called-for attacks of a recent Ohio chemist, who now comes out with the statement that he was in error when he made criticisms on this preparation, and declares it fully up to the required standard. In

haste he thought to overthrow this excellent preparation, but his action has only served to advertise these goods and to make them even more popular than ever.

### A Real Victory.

**WESTERN MEDICAL JOURNAL,** One of the most successful victories for many years was that won by Mariani & Co. in the successful test "Vin Mariani" withstood, by Professor C. T. P. Fennel, of Cincinnati, chemist for the Ohio State Pure Food Commission.

### The Ohio Pure Food Law.

**MASS. MEDICAL JOURNAL,** Quite recently C. T. Fennel (suggestive name) made an analysis of "Vin Mariani," and on the strength of it, John Keeshan, a well-known druggist of Cincinnati, was arrested on the charge of violating the Ohio Pure Food Law in the sale of "Vin Mariani," the claim being made by Fennel that it was not up to the standard within the meaning of the law. He has now acknowledged that he made a mistake in establishing what the standard is, and acknowledges that he had not, at the time of making his analysis, examined the latest edition of the United States Dispensatory, and that "Vin Mariani" is clearly and completely up to standard as established therein. The case against Mr. Keeshan for the sale of "Vin Mariani" was thereby disposed of, and Fennel also authorized the public announcement, through the press, of the fact that the sale of "Vin Mariani" in the State of Ohio is perfectly lawful, and cannot be interfered with under the laws. This clearly and completely vindicates the absolute purity of "Vin Mariani."

### "Vin Mariani."

**ECLECTIC MEDICAL JOURNAL,** Owing to an error, this preparation was included among those to which the Ohio Food Commissioner objected. Upon investigation, the charges that had been made were withdrawn without a trial, the State Commissioner becoming convinced that "Vin Mariani" was not

misrepresented. This decision was based upon the description of coca as given in the United States Dispensatory, and the result may be considered in the light of a victory for the "Vin Mariani," without the necessity of a struggle on their part.

### Raiding the Druggists.

**KANSAS CITY MEDICAL INDEX,** Ohio has a very stringent set of laws for the protection of the people against the adulteration of food products, wines, liquors, medicines, milk, etc. Our old and honored friend "Vin Mariani," we are astonished to see, was included in the articles said to be below the standard, a fact we can hardly understand.

[Since writing the above, we have received from the proprietors of "Vin Mariani" a communication in which it appears that they are completely vindicated, and that the arrest of the druggists for selling this product was a mistake.

We gladly give space to the communication on page 351 of this number of the *Index*, and are much pleased to see that the confidence which has always been placed in this product still continues to be well merited.—ED.]

### A Legal Fiasco.

**NATIONAL DRUGGIST,** "Ignorance of the law excuseth no man," is a legal axiom. Should ignorance of facts excuse an officer of the law for precipitating the arrest of and trial of a citizen upon so grave a charge as selling impure food or drugs?

Prof. Fennel made all the amends in his power for the error committed by him. Nobody is hurt as yet. On the contrary, as stated, the "Vin Mariani" people get a big and well deserved advertisement—we will not say *gratis*, because they had to employ lawyers and go into court, both of which are expensive luxuries, but at a price which they are doubtless more than willing to pay.

The complete retraction which Prof. Fennel has made to the "Vin Mariani" people shows him at least to be honest, and is to his credit; indeed, few men would have so bravely acknowledged a mistake; but this very case furnishes the best possible illustration of the injustice which might be inflicted by such

laws, if their enforcement should be dependent on *dishonest or incompetent* officers.

### “Vin Mariani.”

**ALABAMA MED. AND SURG. AGE,** “Vin Mariani” continues to  
 January, '95, p. 87. be prescribed by the best physicians in the country. As a mild stimulant, a diffusible tonic, a strengthener of the nervous system, in convalescent and enfeebled conditions, “Vin Mariani” is one of the best remedies.

The foregoing extracts from medical journals suffice to show the general feeling towards “Vin Mariani.” We need not quote further, yet we have pleasure in adding the following list of medical journals brought to our notice, that have mentioned kind words in our behalf, induced by the error of the Ohio Food Commission :

	PAGE
Chicago Medical Times, <i>January, '95,</i> . . . . .	40
Occidental Medical Times, <i>December, '94,</i> . . . . .	733
Southern California Practitioner, <i>November, '94,</i> . . . . .	478
Cleveland Medical Gazette, <i>November, '94,</i> . . . . .	40
Pacific Medical Journal, <i>December, '94,</i> . . . . .	781
American Medical Journal, <i>November, '94,</i> . . . . .	527
The Sanitarian, <i>December, '94,</i> . . . . .	523
Buffalo Medical and Surgical Journal, <i>December, '94,</i> . . . . .	324
Columbus Medical Journal, <i>November 13, '94,</i> . . . . .	11
Alienist and Neurologist, <i>October, '94,</i> . . . . .	2
Georgia Eclectic Medical Journal, <i>October, '94,</i> . . . . .	282
Memphis Medical Monthly, <i>December, '94,</i> . . . . .	560
Memphis Medical Monthly, <i>November, '94,</i> . . . . .	512
Omaha Clinic, <i>November, '94,</i> . . . . .	xvii
St. Louis Medical Era, <i>November, '94,</i> . . . . .	112
Toledo Medical Compend, <i>October, '94,</i> . . . . .	472
Charlotte Medical Journal, <i>November, '94,</i> . . . . .	552
Clinical Reporter, <i>November, '94,</i> . . . . .	360
Kansas City Medical Record, <i>November, '94,</i> . . . . .	384
Trained Nurse, <i>January, '95,</i> . . . . .	66
Toledo Medical and Surgical Reporter, <i>December, '94,</i> . . . . .	858
Physician and Surgeon, <i>November, '94,</i> . . . . .	529
Alabama Medical and Surgical Age, <i>November, '94,</i> . . . . .	645
Texas Health Journal, <i>November, '94,</i> . . . . .	114
Northwestern Lancet, <i>November 15, '94,</i> . . . . .	448

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Medical Argus, <i>November, '94,</i> . . . . .	79
New York Medical Times, <i>November, '94,</i> . . . . .	336
Maryland Medical Journal, <i>November 3, '94,</i> . . . . .	x
Pacific Record of Medicine and Surgery, <i>November 15, '94,</i> . . . . .	60
Medical Bulletin, <i>December, '94,</i> . . . . .	475
College and Clinical Record, <i>December, '94,</i> . . . . .	311
Pacific Druggist, <i>November 30, '94,</i> . . . . .	32
The Registered Pharmacist, <i>December, '94,</i> . . . . .	269
Medical Sentinel, <i>January, '95,</i> . . . . .	47

To all these journals, as also to those that may not have been brought to our notice, we herewith express our sincere appreciation; at the same time we tender our thanks to the many physicians who have so kindly written us congratulatory letters and renewed expressions of confidence, which it is our constant endeavor to merit.

Very respectfully,

**MARIANI & CO.,**

*52 West 15th St., New York.*

*Paris: 41 Boulevard Haussmann.*

*London: 239 Oxford Street.*

*Montreal: 28-30 Hospital Street.*

The medical profession has recognized that it is the highest compliment to Monsieur Mariani that so many have endeavored to imitate him.

Mariani was the originator and the first to introduce Coca preparations in a uniformly reliable and palatable form.

The beneficial effects are immediate and lasting, and will be found useful wherever a mild tonic stimulant is required.

"Vin Mariani" during past thirty years has given utmost satisfaction to every physician subjecting it to test.

We have over 7,000 written endorsements from leading physicians.

We caution against the many so-called Coca Wines, which are nauseating and frequently harmful.

To avoid all disappointment, we ask physicians to specify "VIN MARIANI," and to instruct patients to insist on receiving same, and not allow deception and substitution.



UNWRAPPED.



WRAPPED.

## IMPORTANT NOTE

REGARDING

### Dangerous Substitutions.

WE CAUTION OUR PATRONS to ask for and insist on receiving "Vin Mariani." Shameful substitution is frequently attempted; the shape of our bottle and style of packing have been imitated, and even the wording of our labels and advertisements is being appropriated by unscrupulous, would-be competitors, who thus endeavor to deceive the physicians who prescribe "Vin Mariani," as well as the patients. Owing to this we are continually receiving complaints from doctors, with special requests to warn the public and the medical profession against such deceitful substitutions.

# Complete Retraction by the *New York Times*,

October 28, 1894.

## VIN MARIANI'S CASE.

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### What Prof. Fennel, of Cincinnati, Said in Vindication of this Tonic.

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After giving an account of an interview with Prof. FENNEL, the *New York Times* of October 28, 1894, editorially concludes its article as follows:

“It is regretted, of course, that even a temporary injustice should have been inflicted, but the professor has, by his prompt recognition of the merits of the case, done all that lies in his power to right any injury that may have been inflicted. It is felt, however, that the mistake has not been without its resultant good, for the fact that this tonic has been restored to deserving recognition by official analysis is not to be despised in these days of adulteration.”

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As many marked copies of the *New York Times* containing the erroneous report of the Food Commission were maliciously circulated by some would-be competitors, the *Times* printed the aforesaid editorial and complete retraction.