

# United States Department of Agriculture,

OFFICE OF THE SECRETARY,

BOARD OF FOOD AND DRUG INSPECTION.

## NOTICE OF JUDGMENT NOS. 54-55, FOOD AND DRUGS ACT.

54. Misbranding of a drug (Muco-Solvent).

55. Misbranding of coffee (As to geographical source).

(N. J. 54.)

### MISBRANDING OF A DRUG.

(MUCO-SOLVENT.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given of the judgment of the court in the case of the United States *v.* 41 boxes of Muco-Solvent, a proceeding of libel under section 10 of the aforesaid act, in the District Court of the United States for the District of Kansas, for seizure and condemnation of the said drug for the reason that it was misbranded in violation of section 8 of the act in this: The label on the boxes contained false and misleading statements as to its medicinal properties, to-wit: "Muco-Solvent cures croup, whooping-cough, diphtheria, all throat troubles and catarrhal disorders." No claimant of the goods having appeared and the case having come on for a hearing on November 24, 1908, the court adjudged the goods misbranded and rendered the following decree, directing that they be confiscated to the United States and disposed of by destruction, which was accordingly done:

IN THE DISTRICT COURT OF THE UNITED STATES, DISTRICT OF KANSAS, FIRST DIVISION.

THE UNITED STATES, *Plaintiff,*

*vs.*

FORTY-ONE BOXES OF MUCO-SOLVENT, *Defendant.*

### DECREE.

Now on this 24th day of November, 1908, this cause comes on for hearing, and the libelant being present by J. S. West, assistant United States attorney for the district of Kansas, and the Hessig-Ellis Drug Company, of Memphis, Tenn., a corporation, appearing not, but having made default, and F. A. Gatlin, doing business as the Gatlin Drug Company, in whose possession said drugs were found, not appearing and having made no claim whatever to said goods and having made default, and it appearing that all the allegations of the libel of information herein are true, and that the property seized herein was and is mislabeled and misbranded as charged in said libel of information, and it further

appearing that the said Hessig-Ellis Drug Company, a corporation of Memphis, Tenn., and the Muco-Solvent Company, manufacturer, and F. A. Gatlin, doing business as the Gatlin Drug Company, the manufacturer and shipper and consignee, respectively, of said goods, have had full, complete, actual knowledge of the proceedings heretofore had herein, it is now by the court considered and decreed that the forty-one boxes of Muco-Solvent seized herein be forthwith destroyed by the marshal of this court.

JOHN C. POLLOCK, *Judge.*

The facts in the case were as follows:

During the month of October, 1908, Dr. S. J. Crumbine, secretary of the State board of health of Kansas, acting under authorization of the Secretary of the United States Department of Agriculture, in accordance with regulation 3 of the rules and regulations for the enforcement of the Food and Drugs Act of June 30, 1906, found in the possession of the Gatlin Drug Company, Topeka, Kans., 41 boxes of a drug preparation, each box bearing the label "Muco-Solvent cures croup, whooping-cough, diphtheria, all throat troubles and catarrhal disorders." The goods were received by the Gatlin Drug Company from the Hessig-Ellis Drug Company, Memphis, Tenn., distributing agents for the Muco-Solvent Company of Chicago, Ill. It was evident that the preparation was misbranded in violation of section 8 of the act for the reason that the statement given on the label that it would cure the diseases mentioned was unwarranted and untrue, and, therefore, false, misleading, and deceptive within the meaning of the act. Accordingly, on October 26, 1908, the facts were reported by Doctor Crumbine to the United States attorney for the district of Kansas and libel for seizure was duly filed and the goods seized by the United States marshal, with the results hereinbefore stated.

H. W. WILEY,  
F. L. DUNLAP,  
GEO. P. MCCABE,

*Board of Food and Drug Inspection.*

Approved:

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *April 17, 1909.*

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(N. J. 55.)

**MISBRANDING OF COFFEE.**

(AS TO GEOGRAPHICAL SOURCE.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 14th day of