

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 181, FOOD AND DRUGS ACT.

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### MISBRANDING OF A DRUG—"EYELIN."

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 21st day of December, 1908, in the District Court of the United States for the Northern District of Illinois, a judgment was rendered in the case of the United States against the Eyelin Company, a corporation of Chicago, Ill., a prosecution upon an information in substance charging said defendant corporation with having delivered to the United States post-office at Chicago, Ill., for shipment to Washington, D. C., a quantity of a drug preparation contained in a circular tin box, upon one side of which were printed the following words:

One Dollar Repairs and Rejuvenates  
Trade Mark EYELIN Registered  
The Eye and Sight  
The EYELIN CO., Chicago, U. S. A.

and upon the other side of which were printed directions for the use of said drug, said box being surrounded by a circular entitled: "How to Use Eyelin and Your Eyes," which said tin box and surrounding circular were placed in a blue pasteboard box, upon the front of which were placed the following printed words:

Reshapes and Rejuvenates,  
Trade Mark EYELIN Registered,  
The Eye and Sight.

which said drug was misbranded in the following particulars:

(a) The label printed upon one face of the tin box containing said drug contained this statement: "Repairs and Rejuvenates the Eye

and Sight," which said statement was false and misleading in this, that the perfumed vaseline inclosed in the circular tin box aforesaid, and constituting said preparation, had no properties capable of repairing the eye and the sight; and

(b) The label upon the blue pasteboard box in which the circular tin box containing the drug and the circular were placed contained this statement: "Reshapes and Rejuvenates the Eye and Sight," which statement was false and misleading in this, that the perfumed vaseline inclosed in the said tin box, constituting the preparation, had no properties capable of reshaping and rejuvenating the eye and sight.

On December 16, 1908, the defendant pleaded guilty to the information and the court imposed upon it a fine of \$10.

The facts upon which the above prosecution was based were as follows:

On or about February 13, 1908, an inspector of the United States Department of Agriculture purchased from the Eyelin Company, No. 1403 Washington Boulevard, Chicago, Ill., a box of the drug preparation heretofore described, the same being delivered to him at Washington, D. C., through the United States mail. This sample was analyzed in the Bureau of Chemistry, United States Department of Agriculture, and found to consist essentially of perfumed or flavored vaseline, wherefore it was deemed misbranded, and the said Eyelin Company was duly notified of the charge and given an opportunity to be heard, and was heard in regard to said misbranding.

It appearing that there had been a violation of the act, the facts were reported to the Attorney-General on June 25, 1908, by the Secretary of Agriculture. The case was referred to the United States Attorney for the Northern District of Illinois, who filed an information against the Eyelin Company, with the result hereinbefore stated.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *January 28, 1910.*