

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 233, FOOD AND DRUGS ACT.

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### MISBRANDING OF A DRUG—"ACETON."

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 22d day of December, 1909, in the District Court of the United States for the District of Connecticut, in a prosecution by the United States against Horace N. Wheeler, of Mystic, Conn., doing business under the name and style of "The Aceton Medical Company," for violation of section 2 of the aforesaid act in shipping and delivering for shipment from Connecticut to Massachusetts a misbranded drug, known and designated as "Aceton," the said Horace N. Wheeler entered a plea of guilty and the court imposed upon him a fine of \$75.

The facts in the case were as follows:

On March 5, 1909, an inspector of the Department of Agriculture purchased from the Eastern Drug Company, Boston, Mass., a sample of a drug labeled: "Aceton. A sure relief for all kinds of headache and neuralgia. Each ounce contains 240 grs. acetanilid. No. 1275. Guaranteed under Pure Food & Drugs Act, June 30, 1906." "Will break up a cold and prevent pneumonia." "Eine sichere Kur für Grippe." "Ist das einzige sichere Mittel gegen Kopfschmerz und Neuralgia." "Remede infallible pour la Grippe." The sample was analyzed in the Bureau of Chemistry of the United States Department of Agriculture and found to contain acetanilid, caffen, sodium bicarbonate, and other unidentified products. From the above analysis it appeared that the article was misbranded within the meaning of section 8 of the act in that the statements above quoted were false and misleading, because the product was not a

preventive for pneumonia; was not a sure cure nor an infallible remedy for grippe; nor was it a sure cure for headache and neuralgia.

It appearing from the aforesaid analysis that the article was misbranded, the Secretary of Agriculture gave notice to the Eastern Drug Company, the dealer from whom the sample was purchased, and also to The Aceton Medical Company, the manufacturer and shipper, and gave them an opportunity to be heard. Horace N. Wheeler, doing business under the name of The Aceton Medical Company, being the party solely responsible for the misbranding of the article and failing to show any fault or error in the result of the aforesaid analysis, and it being determined that the article was misbranded, on October 23, 1909, the said Secretary reported the facts and evidence to the Attorney General, by whom they were referred to the United States attorney for the District of Connecticut, who filed an information against Horace N. Wheeler, with the result hereinbefore stated.

JAMES WILSON,  
*Secretary of Agriculture.*

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

