

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 735, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG PRODUCT CALLED "COCAINIZED PEPSIN CINCHONA BITTERS."

On or about July 18, 1910, J. F. Miller, doing business under the name of the R. W. Davis Drug Company, shipped from the State of Illinois into the State of Missouri a quantity of a drug product labeled "Cocainized Pepsin Cinchona Bitters, a true tonic and a speedy remedy for indigestion or dyspepsia, chronic diarrhœa, dysentery, colic, and flatulency, fever and ague, chronic affections of the urinary organs, asthma, and bronchitis, very efficient in migraine, neuralgia, and in all morbid conditions due to depression of the nervous and cerebral systems. Prepared by R. W. Davis Drug Co., Chicago, U. S. A. Label Registered. This compound contains not more than 30 per cent. alcohol, bottled by R. W. Davis Drug Co., Guaranteed under the provisions of the Food and Drugs Act of June 30, 1906. This compound contains 5 per cent. of the extracts of roots, herbs, and spices, Syrup 2 per cent., malaga wine 4 per cent, essence of pepsin $\frac{1}{2}$ of one per cent., caramel $\frac{1}{2}$ of one per cent. * * * It stimulates respiration and the brain by increasing its blood supply, increases the heart's action, and under its daily use, a considerable extra amount of labor can be borne without suffering. It will purify the blood. Bones, muscles and nerves receive new force * * *." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to be a light-brown liquid, consisting essentially of alcohol 26.8 per cent, by volume, nonvolatile material 4.53 per cent, including quinine and other alkaloids from extract of cinchona bark, cocaine and other alkaloids from extract of coca leaves, sugar, caramel, capsicum, tannin, and extractives; the balance of the product consisted of water and a small quantity of oil of cinnamon. The total alkaloids amounted to 0.005 per cent. The presence of pepsin could not be established. As it appeared from the findings of the analyst and report made that the product was misbranded within the meaning of the Food and Drugs Act of June 30,

1906, the Secretary of Agriculture afforded the said J. F. Miller, doing business under the name of the R. W. Davis Drug Company, and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the 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 in the District Court of the United States for the Northern District of Illinois against the said J. F. Miller, doing business under the name of the R. W. Davis Drug Company, charging the above shipment, and alleging that the product so shipped was misbranded in that it was labeled as aforesaid, which said label bore statements, designs, and devices regarding the article and the ingredients and substances contained therein which were false and misleading, in that the label purported to state that the drug contained in the bottles aforesaid contained pepsin, whereas in truth and in fact the product contains no pepsin; and furthermore alleging the product to be misbranded in that the drug contained in the bottles aforesaid contained 26 per cent more or less of alcohol by volume, which quantity or proportion of alcohol was incorrectly stated on the label, and that the drug contained in the bottles aforesaid contained cocaine and cocaine derivatives, a statement to which effect did not appear upon the label aforesaid, and in that the drug contained in the bottles aforesaid was colored with caramel in a manner whereby its inferiority was concealed, and in that the labels upon the bottles aforesaid bore the statement "It stimulates respiration and the brain by increasing its blood supply, increases the heart's action, and under its daily use, a considerable extra amount of labor can be borne without suffering. * * *; it will purify the blood * * *; a speedy remedy for indigestion and dyspepsia, chronic diarrhoea, dysentery * * *, chronic affections of the urinary organs, asthma and bronchitis," which statements were false and misleading because in truth and in fact the product possessed no such properties as would render it a cure or effective remedy for said diseases.

On November 11, 1910, the defendant entered a plea of guilty and the court imposed a fine of \$25 and costs.

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., *January 21, 1911.*