

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 780, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG PRODUCT—"TILDEN'S FEBRISOL."

On or about August 6, 1909, The Tilden Company, a corporation, New Lebanon, N. Y., shipped from the State of New York to the State of Virginia a quantity of a drug product labeled: "Guaranteed under the Food and Drugs Act, June 30, 1906, Serial No. 2262. Tilden's Febrisol. Trade Mark. Analgesic Antalgic & Antipyretic. Alcohol 61 Per Cent. Phenacetine 16 Grs. Acetanilide 10 Grs. in Each Fluid Ounce. Prepared only by The Tilden Company, New Lebanon, N. Y. Branch: St. Louis, Mo. * * *." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to consist of alcohol, glycerin, acetanilide, acetphenetidin, caffeine, salol, and other unidentified drugs, the amount of alcohol being only two-thirds of that declared and the ratio of acetphenetidin to acetanilide being, approximately, 11 to 17 instead of 16 to 10, as declared. As the findings of the analyst and report thereon indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said Tilden Company and the party from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that the said 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 Circuit Court of the United States for the Southern District of New York against The Tilden Company, charging the above shipment and alleging that the product so shipped was misbranded in that it was labeled as above set forth, when in fact the quantity of alcohol and acetanilide contained therein had been incorrectly stated on the label of the container of the product.

On January 13, 1911, the defendant entered a plea of guilty by Samuel J. Tilden, its president, whereupon the court imposed a fine of \$150.

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., *February 17, 1911.*