

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 885, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF A DRUG PRODUCT— “QUININE WHISKY.”

On or about November 14, 1908, the Quinine Whisky Company, a corporation, Louisville, Ky., shipped from the State of Kentucky into the State of Illinois a quantity of a drug product labeled: (On box) “Quinine Whisky prevents and cures colds. Quinine Whisky Co., Louisville, Ky. Guaranteed (etc) U. S. Serial No. 5032.”; (on bottle) “Quinine Whisky is acknowledged the greatest preventive and cure for all malarial complaints ever offered. Acknowledged that for chills and all kinds of fevers, la Grippe, general debility, or a bad cold, there is no preparation more effectual in cure. Is acknowledged by the medical profession throughout the world as the most efficient stimulant known. Acknowledged the greatest tonic for convalescents from typhus and typhoid fever. In preparing quinine whisky nothing but the purest Kentucky whisky is used together with herbs of a laxative nature overcoming the stringent qualities and disguising the bitter taste of quinine, in all producing a most agreeable tonic. For dyspepsia it is invaluable, aids digestion and promotes appetite.” (Sticker on neck of bottle): “Pure Kentucky Whisky. Alcoholic strength 85 per cent. Quinine $1\frac{1}{4}$ grains per ounce. Guaranteed (etc). Serial No. 5032. The Quinine Whisky Co., Louisville, Ky.” A sample from this shipment was procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and it was found to contain 41.33 per cent alcohol and one seventy-fifth of a grain of quinine per ounce. As the findings of the analyst and report thereon indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Quinine Whisky Company and the party from whom the sample was procured 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 District Court of the United States for the Western District of Kentucky against the said Quinine Whisky Company, charging the above shipment and alleging that the product so shipped was adulterated in that it was labeled as above set forth, when in truth and in fact it contained under 42 per cent of alcohol by volume, and only one seventy-fifth of a grain of quinine in each ounce thereof, thus falling below the professed standard and quality under which it was sold, and further alleging the product to be misbranded because it was incapable of effecting the cures and beneficial results claimed for it in said labels, and because it was represented as containing 85 per cent alcohol by volume and $1\frac{1}{4}$ grains of quinine per ounce, when in truth and in fact it contained less than 42 per cent of alcohol by volume and only one seventy-fifth of a grain of quinine per ounce.

On October 5, 1910, the defendant entered a plea of guilty to the above information, whereupon 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.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *May 16, 1911.*

