

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 909, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG PRODUCT—"NICHOLS' COMPOUND KOLA CORDIAL."

On or about May 14, 1909, Billings, Clapp & Co., a corporation, Boston, Mass., shipped from the State of Massachusetts into the State of New Jersey a quantity of a drug product labeled: "Nichols' Compound Kola Cordial. Combines the tonic and stimulating properties of kola, coca and strychnine and presents the combined virtues of these factors unimpaired and in the most palatable form possible. Especially available in all cases of mental, muscular and nervous depression. Each fluid ounce represents Kola Nut 40 grains, Coca Leaves 40 grains, Strychnine 2/100 grain. Dose, one teaspoonful, as directed. Guarantee clause No. 2385. Prepared and introduced by Billings, Clapp & Company, Manufacturing Chemists, Boston. Alcohol 20 %. Each fluid ounce contains .2 cocaine." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to be a syrupy liquid consisting essentially of 15.48 per cent alcohol by volume, 48.6 nonvolatile material, composed of 42.05 per cent sugar, 0.017 per cent caffeine, a small quantity of coca leaf alkaloids, including cocaine, a small quantity of strychnine, and phosphoric acid. 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 Billings, Clapp & Co. and the party from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that the above 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.

On April 13, 1910, a criminal information was filed in the District Court of the United States for the District of Massachusetts against the said Billings, Clapp & Co., charging the above shipment and alleging that the product so shipped was misbranded, because it was labeled "Nichols' Compound Kola Cordial" when in truth and in fact

it was not manufactured by Nichols and was not Kola; because it was labeled "Alcohol 20 %," when in truth and in fact it did not contain 20 per cent of alcohol; and because the product did not contain the proportion and amounts of cocaine, kola nut, coca leaves, and strychnine which the above label represented it to contain.

On April 20, 1910, the defendant corporation appeared by its counsel and entered a plea of not guilty to the above information, which plea it withdrew on February 27, 1911, substituting therefor a plea of guilty, whereupon the court imposed a fine of \$25.

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 24, 1911.*

