

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 962, FOOD AND DRUGS ACT.

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#### MISBRANDING OF A DRUG PRODUCT—"DR. HIGBEE'S COUGH, COLD AND GRIP POWDERS."

On or about January 18, 1910, Edwin W. Higbee, trading as the German Medicine Company, Northampton, Mass., shipped from the State of Massachusetts into the State of New York a quantity of a drug product labeled: "Dr. Higbee's Cough, Cold and Grip Powders. \* \* \* A single powder will often break up a cold if taken at the very first sign of its approach. \* \* \* Price 25 cents. E. W. Higbee, M. D., 4 West Street, Northampton, Mass. For headache or neuralgia take as for colds. No. 2636, Guaranteed under Food and Drugs Act of June 30, 1906. 198 grains acetanilid to each ounce. No narcotics such as opium, belladonna, etc." A sample from this shipment was procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and found to consist essentially of acetanilid. As it appeared from the findings of the analyst and report thereon that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said Edwin W. Higbee and the party from whom the sample was 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 November 18, 1910, a criminal information was filed in the District Court of the United States for the District of Massachusetts against the said Edwin W. Higbee, charging the above shipment and alleging that the product so shipped was misbranded because it was labeled as above set forth, which label contained the false and misleading statement that a single powder (meaning thereby a portion of said drug) would often break up a cold if taken at the first sign

of its approach, when in truth and in fact said drug, or a portion thereof, would not and could not break up a cold at any time, and in that the product consisted entirely of acetanilid.

On March 22, 1911, the defendant entered a plea of nolo contendere to the above information, whereupon the information was placed on file upon motion of the United States attorney for said district.

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., *June 16, 1911.*

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