

Issued September 23, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1035.

(Given pursuant to section 4 of the Food and Drugs Act.)

ALLEGED MISBRANDING OF OXIDINE.

On March 29, 1911, the United States Attorney for the Northern District of Texas, acting upon the report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against the Patton-Worsham Drug Co., a corporation existing under and by virtue of the laws of the State of Texas, and having its principal office in Dallas, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 30, 1908, from the State of Tennessee into the State of Georgia, of a consignment of a drug denominated "Tasteless Oxidine," which was misbranded. The labels on the product were as follows: "Trade-mark (registered) tasteless oxidine. Alcohol five per cent. Serial number 1271. Guaranteed under Food and Drugs Act, June 30, 1906. An antidote for malaria, a food digester and constipation remedy. A true tonic and blood medicine. An effective remedy for chills and fevers. A mild liver and kidney medicine, and relieves headache and lagrippe. Price 50 cents. Manufactured only by the Patton-Worsham Drug Co., Dallas, Texas. Memphis, Tenn." and on the back thereof, "Tasteless oxidine. Is prepared especially for children and those who object to the somewhat bitter taste of the regular oxidine. Tasteless oxidine does not enter the blood as rapidly as the regular form, but is a pleasant laxative, acting mildly on the liver, purifying the blood in a manner far superior to any other tasteless preparation on the market, and in mild cases is very effective. But in severe cases we more strongly recommend the regular oxidine;" and upon one side of the carton, the following, to wit: "The life is in the blood. To have health the blood must be pure. Malaria poisons the blood and deters the action of the liver. Oxidine is effective in purifying the blood, regulating the liver, and cleansing your system from malaria, the great cause of sickness:" and upon another side of the carton: "Patton-Worsham Drug Co., Dallas,

Texas. Kennedale, Texas. Dear Sirs: I want to inform you that oxidine has relieved me and my family of the worst siege of chills and malaria that I ever saw. After paying the doctors \$50.00 I began the use of oxidine with most gratifying results. We are all entirely well now and there has been no re-appearance of malaria in the family for over two months. You are at liberty to use this testimonial if you desire. Yours truly, J. H. Fielding," and upon the top of carton: "tasteless," and upon the bottle: "Oxidine manufactured by Patton-Worsham Drug Co., Dallas, Texas, Memphis, Tenn. Alcohol five per cent. Guaranteed under the Food and Drugs Act of June 30, 1906, serial No. 1271. Contains no poison or harmful drugs. Directions: Tonic dose for indigestion, liver, blood and general system: Adults, two teaspoonfulls; children under ten years, one teaspoonfull; children under five years, half teaspoonfull. The above to be taken in a little water after each meal. To stop chills and fever double the above of tonic dose and take every four hours. After chills have stopped the medicine should be taken as a tonic to rid the system of malaria and purify the blood. When Oxidine has been prepared for some time an inert sediment forms but does not affect the medical properties at all. It is as good as ever. Shake the bottle before using. Prepared only by Patton-Worsham Drug Co., Dallas, Texas. Memphis, Tenn." and upon the circular accompanying each bottle the following: "Oxidine removes dead germs and other poisonous impurities from the blood. Oxidine is the best tonic and system builder that you can get anywhere." "Oxidine * * * draws out * * * poisons from all parts of the body." "It destroys the germ of malaria." "It * * * restores the organs to a normal condition * * *."

Analysis of a sample of this article by the Bureau of Chemistry showed the following results:

	Per cent by weight.
Alcohol -----	2.92
Sucrose -----	57.50
Invert sugar -----	.20
Anhydrous ether soluble Cinchona alkaloids-----	.76
Anhydrous potassium and sodium tartrate-----	1.64
Water, coloring matter, oil of peppermint, trace of chloro- form, soluble alkaloids, etc-----	36.98
	100.00

The preparation does not contain any digestive ferments.

Misbranding was alleged for the reason that the ingredients in said product, as shown by said analysis, did not possess the therapeutic properties claimed for it, and the aforesaid statements on the label were, therefore, false and misleading. When the case came on for

trial the defendant company entered a plea of not guilty. After the introduction of evidence by the Government the defendant moved the court to instruct the jury to return a verdict of not guilty on the authority of the case of *United States v. O. A. Johnson*, 177 Fed. Rep. 313; which motion the court sustained, and directed a verdict for the defendant.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *August 2, 1911.*

1035

