

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1291.

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

MISBRANDING OF A PRODUCT CALLED DRUG HABIT CURE.

On July 31, 1911, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed information in the Circuit Court of the United States for said district against the St. James Society, a corporation, of New York City, alleging shipments by it, in violation of the Food and Drugs Act, on or about March 2, 1909, and June 5, 1909, from the State of New York into the District of Columbia, of a drug product called "Drug Habit Cure", which was misbranded. Sample designated I. S. No. 16574-a was labeled "Prepared only and expressly for L. F. Kay. To be taken as directed. Alcohol 9.52 per cent; morphine maximum gr. 3.57 per fluid ounce."

Analysis of two lots of bottles containing said product and numbered I. S. Nos. 16574-a and 16596-a, respectively, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the product to contain, among other ingredients, the following:

I. S. No. 16574-a.

	Morphin (grains per ounce).	Calculated as morphin sulphate (grains per ounce).	Alcohol by volume.
Bottle 1.....	3.34	4.18	9.95
Bottle 2.....	3.66	4.58	10.25
Bottle 3.....	3.68	4.61	10.25
Bottle 4.....	3.34	4.18	10.25
Bottle 5.....	3.42	4.27	10.25
Bottle 6.....	3.34	4.18	10.25
Bottle 7.....	3.68	4.61	10.25
Bottle 8.....	3.66	4.58	9.95
Bottle 9.....	3.34	4.18	9.75
Bottle 10.....	3.41	4.26	9.25

I. S. No. 16596-a.

	Morphin (grains per ounce).	Calculated as morphin sulphate (grains per ounce).	Alcohol by volume.
Bottle 1.....	2.18	2.74	10.4
Bottle 2.....	2.06	2.58	10.6
Bottle 3.....	2.13	2.67	10.6
Bottle 4.....	2.16	2.70	11.2
Bottle 5.....	2.13	2.67	10.0
Bottle 6.....	2.16	2.70	11.2
Bottle 7.....	2.16	2.70	10.8
Bottle 8.....	2.06	2.58	11.0
Bottle 9.....	2.13	2.67	11.0
Bottle 10.....	2.13	2.67	11.2

Misbranding was alleged against said product because it was labeled so as to mislead the purchaser, in that the label bore a statement regarding the article which was false and misleading, in that said article contained alcohol and morphin and the amount or proportion of such morphin contained therein was different in quantity and proportion from the proportion and quantity stated on the label.

On October 31, 1911, the defendant pleaded guilty and was fined \$25.

Through error the label on sample designated I. S. No. 16596-a was not submitted to the United States Attorney. The label on this sample is as follows: "Alcohol 9.52 per cent., morphine maximum grs., 2.38 per fl. oz."

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 20, 1912.*

