

**4353. Misbranding of "Walker's Pain Destroyer." U. S. v. Sarah Ann McDonald (Walker Medicine Co.). Plea of guilty. Fine, \$5. (F. & D. No. 5861. I. S. No. 8339-e.)**

On December 8, 1915, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Sarah Ann McDonald, trading under the firm name of Walker Medicine Co., St. Paul, Minn., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about May 3, 1913, from the State of Minnesota into the State of Illinois, of a quantity of "Walker's Pain Destroyer" which was misbranded. The article was labeled: (On bottle) "Walker's Pain Destroyer Manufactured and for sale by Walker Medicine Co., 527 Broadway St. Paul, Minn." (On back of bottle) "Cures Headache, Toothache, Earache and Colic instantly also Cuts, Burns, Sprains, and Bites from Poisonous Reptiles. It is a sure cure for Diphtheria and all Throat Diseases, Summer Complaint, Felons, Chilblains, Frost Bites, Neuralgia, and is remarkable in Rheumatism. Directions for Diphtheria, Throat Diseases, Headache, Toothache, Rheumatism, and in fact All Pains; Bathe freely the parts affected. Taken internally for Diphtheria; Throat Diseases, Summer Complaint, Etc. Dose—Drop 5 to 10 drops (according to age) into a teaspoonful of sugar; take of this as much as will lay on the point of a pen knife at a time until all is taken. Repeat this three times a day after each meal. For full directions, see folder." (On sides of bottle) "No Waiting for results Instantaneous Relief for all Pains Sure Cure For Diphtheria and all Throat Diseases." (Around neck of bottle) "Olium sinopis volatiti 1½%; Chloroform 1½%; Ethyl alcohol 95%; Collodium 1½%; Tr. Opium 1/10 of 1%" (On carton) "Dr. Walker's Famous Pain Destroyer for Internal and External Use Removes Diphtheria, Bronchitis, Tonsillitis, Asthma, Croup, Colds, Coughs, Catarrh, Sore Throat, Cankers, Diarrhoea, Dysentery, Cholera, Summer Complaint, Rheumatism, Rheumatic Gout, Inflammatory Rheumatism, Sciatica, Lumbago, Neuralgia, Headache, Earache, Toothache, Burns, Scalds, Sprains, Chilblains, Erysipelas, Stings, Bites of Poisonous Insects or Reptiles and all skin diseases. Keep bottle well corked to preserve strength. Walker Medicine Co. Serial No. 17540 Price 50c St. Paul, Minn. U. S. A." (Statements on back of carton in foreign languages) "Should be used in connection with Dr. Walker's Rheumatiz to remove Rheumatic Pains and Swellings."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product was an alcoholic solution of oil of mustard, chloroform, opium, and collodion.

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, (On bottle) "Walker's Pain Destroyer \* \* \* Cures \* \* \* bites from Poisonous Reptiles. It is a sure cure for Diphtheria and all Throat Diseases, \* \* \* Felons, and is remarkable in Rheumatism \* \* \* Sure Cure for Diphtheria," (On carton) Dr. Walker's Famous Pain Destroyer \* \* \* Removes Diphtheria, Bronchitis, Tonsillitis, Asthma, Croup, \* \* \* Catarrh, \* \* \* Dysentery, Cholera, \* \* \* Rheumatism, Rheumatic Gout, inflammatory Rheumatism, Sciatica, \* \* \* Erysipelas, \* \* \* and all Skin Diseases," were false and fraudulent in that the same were applied to the article knowingly, and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective for the cure of bites

from poisonous reptiles, diphtheria, all throat diseases, felons, rheumatism, bronchitis, tonsillitis, asthma, croup, catarrh, dysentery, cholera, rheumatic gout, inflammatory rheumatism, sciatica, erysipelas, and all skin diseases, when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, such ingredients or medicinal agents. Misbranding was alleged for the further reason that the following statement regarding the identity of the article and its ingredients, to wit, "\* \* \* no danger whatever can ensue from an overdose, as there are no poisonous ingredients in the compound," appearing in the circular or pamphlet accompanying the article aforesaid, in manner and form, as follows, to wit, "The Pain Destroyer will be found invaluable in the household and nursery, and no danger whatever can ensue from an overdose, as there are no poisonous ingredients in the compound," was false and misleading, in that it indicated to the purchasers thereof that there were no poisonous ingredients in the compound, and that no danger whatever could ensue from an overdose thereof, when, in truth and in fact, there were poisonous ingredients in said compound, to wit, chloroform,  $1\frac{1}{2}$  per cent, tincture of opium,  $1/10$  of one per cent and collodion  $1\frac{1}{2}$  per cent, which said poisonous ingredients might render dangerous an overdose of said article of drugs.

On December 8, 1915, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$5.

C. F. MARVIN, *Acting Secretary of Agriculture.*