

**4357. Misbranding of "Black's Pulmonic Syrup." U. S. v. William F. Black and W. Harry Martin (Black Distributing Agency.) Pleas of guilty. Fine, \$300 and costs. (F. & D. No. 5909. I S. No. 8230-e.)**

On December 21, 1914, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William F. Black and W. Harry Martin, trading under the firm name of the Black Distributing Agency, Nashville, Tenn., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about February 26, 1913, from the State of Tennessee into the State of Kentucky, of a quantity of "Black's Pulmonic Syrup," which was misbranded. The article was labeled: (On bottle) "Black's Pulmonic Syrup The New Remedy for Tuberculosis and Bronchitis. Contains 20% of Alcohol by volume. Compounded by W. F. Black, M. D., Birmingham, Alabama."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a hydroalcoholic solution of ichthyol, glycerin, and sugar; alcohol 15.2 per cent by volume.

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, "Black's Pulmonic Syrup. The New Remedy for Tuberculosis and Bronchitis," were false and fraudulent in that the same were applied to said 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 as a remedy for tuberculosis and bronchitis, when, in truth and in fact, it was not so composed, and did not contain such ingredients or medicinal agents. Misbranding was alleged for the further reason that the following statement "Contains 20% of alcohol," appearing on the label, was false and misleading, in that it indicated to purchasers thereof that the article contained 20 per cent of alcohol, when, in truth and in fact, it contained a less amount of alcohol, to wit, 15.2 per cent.

On October 4, 1915, the defendants entered pleas of guilty to the information, and the court thereupon imposed upon the defendant Black a fine of \$200, and upon the defendant Martin a fine of \$100, with costs to be paid by both defendants.

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