

4370. Misbranding of "Dr. Kaufmann's Sulphur Bitters." U. S. v. Aaron P. Ordway (A. P. Ordway & Co.). Plea of guilty. Fine, \$100. (F. & D. No. 5995. I. S. No. 7911-e.)

On October 13, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Aaron P. Ordway, trading under the name of A. P. Ordway & Co., New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on January 4, 1913, from the State of New York into the State of Ohio, of a quantity of "Dr. Kaufmann's Sulphur Bitters," which was misbranded. The article was labeled: (On carton) "Dr. Kaufmann's Sulphur Bitters Label (Adopted June 1, 1908) and Trade Mark Registered in all Countries." (On back of carton) "Sulphur Bitters Contains 22.30% Alcohol Note. Sulphur Bitters (registered under the United States of America Pure Food and Drugs Act, June 30, 1906, Serial No. 301) is guaranteed by A. P. Ordway & Co. to contain only the curative essences of the choicest medicinal roots, herbs, etc. to which is added 22.30 per cent. of alcohol as per United States of America Customs to preserve them in solution against all climatic changes and conditions. Original Formula of Old Dr. Kaufmann. Sublimed Sulphur (trituated). 2 gr. Gentianæ Radix 31 gr. Prunus Virginiana 31 gr. Aloe Socotrina 19 gr. Eupatorium 16 gr. Tanacetum 6 gr. Balmony 16 gr. Podophyllum 140 gr. Senna Indica 140 gr. Calamus 31 gr. Aqua Pura Q. S. 10½ oz. Alcohol Absolutum 22.30%. This well-known remedy was not made in an hour or a year; but was the result of the life study of Dr. Kaufmann, who after many years of patient research and costly experiments, utilizing all the aids of science and chemistry, at last succeeded in combining the medicinal virtues and blood-purifying properties of Flowers of Sulphur with other ingredients. The greatest doctors and eminent chemists had tried in vain to combine Sulphur with liquids but without success. Dr. Kaufmann spent years in vain to do it, but in the end produced Sulphur Bitters, a combination of Flowers of Sulphur and rich juices of the best known roots, barks and herbs; Sulphur Bitters has been the crowning success of Dr. Kaufmann's Life. This medicine will be found to be of the greatest benefit in aiding nature to expel from the system the causes of such diseases that arise from impurities of the blood. It does not debilitate the stomach or bowels, but on the contrary improves the digestion and invigorates the stomach. As a blood purifier, Sulphur Bitters is far superior to the numberless compounds put forward to this end. The effect of Sulphur Bitters is to act directly on the liver and blood, thereby relieving the system of the seeds of the disease. No one taking Sulphur Bitters can long remain without feeling its beneficial effects. Sulphur Bitters aids in relieving aggravated and long-standing cases. Sulphur Bitters is composed of the choicest roots, herbs and barks in the vegetable kingdom and is of aid in relieving diseases of the Blood and Stomach. Sulphur Bitters acts on disease in any climate and at any time of the year. Price, One Dollar. Prepared by A. P. Ordway & Co., M'fg Chemists, New York, N. Y., U. S. A." (On sides of carton) "Sulphur Bitters is Recommended for Loss of Appetite, All Gone and Tired Feeling, Dyspepsia, Habitual Costiveness, Jaundice, Nausea, Faintness of the Stomach, Biliousness, Boils, Piles, Dysentery, Headache, Tape, Pin and Other Worms, Dizziness, Gout and Fits, Nervousness, Languor, Female Weakness. Sulphur Bitters is Recommended for Scrofula and Scrofulous Humors, Catarrh, Salt Rheum, Rheumatism, Neuralgia, Ulcers, Humors, Fever and Ague, Pimples on the face and body, Canker, Liver Complaint, Sore Eyes, Skin Diseases, Pains in the Side, Back, Shoulders, General Debility." (On bottle) "Dr. Kaufmann's Sulphur Bitters Contains 22.30% Alcohol. Note Sulphur Bitters (registered under the United States of

America Pure Food and Drugs Act, June 30, 1906, Serial No. 301) is guaranteed by A. P. Ordway & Co. to contain only the curative essences of the choicest medicinal roots, herbs, etc. to which is added 22.30 per cent of alcohol as per United States of America Customs to preserve them in solution against all climatic changes and conditions. Dr. Kaufmann's (The Discoverer of Sulphur Bitters.) Original Formula: Sublimed Sulphur (trituated) 2 gr. Gentianæ Radix 31 gr. Prunus Virginiana 31 gr. Aloë Socotrina 19 gr. Eupatorium 16 gr. Tanacetum 6 gr. Balmomy 16 gr. Podophyllum 140 gr. Senna Indica 140 gr. Calamus 31 gr. Aqua Pura Q. S. 10½ oz. Alcohol Absolutum 22.30%. This label was adopted Dec. 1, 1908 to comply with all of the requirements of the United States of America Pure Food and Drugs Act of June 30th, 1906. The Contents (seal being unbroken) is guaranteed to contain only such medicinal ingredients as are shown in the formula. Is Recommended for Loss of Appetite, Dyspepsia, Indigestion, Dropsy, Nausea, That Tired and All Gone Feeling, Gout, Habitual Costiveness, Pimples & Humor on Face and Body, Sick Headache, Scrofula, Colds, Jaundice, Ulcers, Catarrh, Coughs, Colic, Piles, Kidney Complaints, Rheumatism, Female Weakness, Bilioussness, Neuralgia, Tape, Pin and Other Worms, Dysentery, Boils, Sore Eyes, Liver Complaint, Fever and Ague, General Debility, Faintness of the Stomach, Erysipelas, Etc. Follow these Directions: Adults: From a teaspoonful to a tablespoonful added to double the quantity of water, sweetened if preferred, morning and at night before going to bed, or in sufficient quantities to gently move the bowels after which only take enough to keep the bowels a little free. In obstinate cases of bilioussness and costiveness the dose should be increased sufficiently to produce the desired effect. If the medicine makes them feel sick, all the better, the immediate change of which the system is sensible causes it, but its beneficial effects will soon be felt. Dyspeptics should follow the same rules—eat nourishing food and take plenty of out-door Exercise. In chronic or deep seated cases persist in the use of the medicine for a long time. It is also a good plan to wait a week between using each bottle. Children—One-half to a teaspoonful morning and night, according to age, always adding a little water sweetened. Costiveness is often caused and aggravated by neglecting to attend to nature's calls we suggest therefore, that the patient attend, without fail, to her demands, for thus they will soon gain a regular habit, without which there can be no perfect health. Prepared by A. P. Ordway & Co., M'f'g. Chemists, New York, U. S. A." (On back of bottle) "Sulphur Bitters shows its efficiency in relieving diseases in any climate or at any season of the year. Sulphur Bitters is made from the juices of the best roots, barks and herbs in the Pharmacopœia, to which Flowers of Sulphur is so combined as to make it an aid in eradicating from the system the taint of Scrofula, Salt Rheum, Erysipelas, Syphilitic Diseases, and other diseases arising from an impure state of the blood; Catarrh, Sick Headache, Dyspepsia, Piles, Liver Complaint, Dysentery, Bilioussness, Chronic Rheumatism, etc. Sulphur Bitters assists in the breaking up of fevers by removing the morbid and unhealthy matter from the system. In Dysentery or Bloody Flux the beneficial effects of Sulphur Bitters is quickly appreciated. Sulphur Bitters aids in Liver Complaint and Jaundice by restoring the action of the Liver; promoting the secretions of Bile and assisting in its expulsion from the system. Biliouss or Sick Headache arises from a disturbed condition of the digestive organs or torpidity of the Liver; a proper care in the selection of food, and a generous use of Sulphur Bitters seldom fails to give relief. Catarrh—this dreadful disease, the father of Consumption, is both a local and Constitutional complaint, and must, therefore, be treated as such; the continued use of Sulphur Bitters (paying strict attention to the directions) will tend to remove the causes, unless the system is broken down with consumption. Piles—this troublesome

disease is also benefited by the use of Sulphur Bitters. Rheumatism is a disease arising from a poison circulating in the blood, and oftentimes proves very tedious in curing. By the use of Sulphur Bitters, you help to purify the blood and drive the disease from the system; care should always be taken however by the patient during treatment to be protected by flannel clothing. Kidney diseases are also benefited by the judicious use of Sulphur Bitters, as its diuretic properties act directly on the secreting organs of the urine. Sulphur Bitters has a beneficial effect on all diseases peculiar to females, whether young or old, married or single, and is highly recommended for irregularities, such as Leucorrhœa, Painful Menstruation, Prolapsus Uteri, Sterility, Suppression, Urinary Troubles and all Uterine and Vaginal Ulcerations." (Blown in bottle) "A. P. Ordway & Co." The booklet accompanying the article contained, among other things, the following: "Diabetes * * * My Sulphur Bitters will also be found of great value in this disease," "It is truly wonderful what a power Sulphur Bitters seems to have over syphilis, where it has been regularly used. It appears to cause syphilis to steadily relinquish its hold, until finally the disease gives up altogether, and you have conquered this monstrous malady," "It will keep your blood purified and prevent the return of this the most horrible disease the world ever knew—syphilis; one which has caused more suffering and misery than all other diseases," "Great Relief of Pains,—Suffered with That Horrible Disease Leprosy. 'Quito, Ecuador. Messrs. A. P. Ordway & Co., Dear Sirs:—It is now 9 months that I have been taking your Sulphur Bitters, having already taken 17 bottles for the horrible disease that I'm suffering with, for, more or less, 8 years, being leprosy. When I started taking it, my state was so disconsolate and painful that I believed I would not live a month longer, but through my mother's direction I have done so, and who would believe? Slowly I started to notice great relief in my pains, and now can say that I find myself with the firm hope of radically curing myself of this disease, which until today has been incurable. You will see that with this extra case of curing a leper who already was on the edge of the grave, your well-earned reputation would completely increase. I trust you will let me have all that you believe convenient to hurry my cure, as the grains have already disappeared and there only remains a changeable color, sometimes red, and sometimes almost a natural color. Awaiting your prompt reply, I remain, Juan M. Almeida, Hospicio, Quito, Ecuador.'"

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

Volume (fluid ounces)-----	10.5
Alcohol (per cent by volume)-----	23.3
Wild cherry-----	Indicated
Aloes-----	Present
Total solids (per cent)-----	18.7
Sulphur in suspension:	
(mg. per 100 cc)-----	18.2
(grain per 10½ fluid ounces)-----	0.88
Sulphur in solution, extractable with carbon tetrachlorid:	
(mg. per 100 cc)-----	0.025
(grain per 10½ fluid ounces)-----	0.0012
Total sulphur in solution:	
(mg. per 100 cc)-----	3.5
(grain per 10½ fluid ounces)-----	0.17

The small amount of sulphur in solution and the trace of sulphur extractable with carbon tetrachlorid are approximately what would be found normally in a preparation composed of the ingredients as stated upon the carton. Analysis gives no

evidence of the presence of sulphur in solution or compounded with the other ingredients of the product by means of any special process other than the mere mixing of the ingredients.

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 labels aforesaid, to wit, (On carton) "* * * Sulphur Bitters is recommended for Scrofula, * * * Catarrh, Salt Rheum, Rheumatism, * * * Fever and Ague, * * *" (On bottle) "* * * Sulphur Bitters * * * is recommended for * * * Gout, * * * Scrofula, * * * Rheumatism, * * * Dysentery, * * * Erysipelas * * *. Rheumatism * * * oftentimes proves very tedious in curing. By the use of Sulphur Bitters, you help to purify the blood and drive the disease from the system; * * * Sulphur Bitters has a beneficial effect on all diseases peculiar to females, * * * and is highly recommended for * * * Prolapsus Uteri, Sterility, * * * and all Uterine and Vaginal Ulcerations," and included in the booklet aforesaid, to wit, "Diabetes * * * my sulphur bitters are also being found of great value in this disease," "It is truly wonderful what a power Sulphur Bitters seems to have over Syphilis * * * It appears to cause Syphilis to steadily relinquish its hold until finally the disease gives up altogether, and you have conquered this monstrous malady * * * It will keep your blood purified and prevent the return of this most horrible disease the world ever knew—Syphilis; one which has caused more suffering and misery than all other diseases," and "* * * I have been taking your Sulphur Bitters, having already taken seventeen bottles, for the horrible disease that I am suffering with, for more or less eight years, being Leprosy * * * You will see that with this extra case of curing a leper who already was on the edge of the grave, your well-earned reputation would completely increase," 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 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 scrofula, catarrh, salt rheum, rheumatism, fever and ague, gout, dysentery, and erysipelas, effective for purifying the blood and driving rheumatism from the system, as a remedy for prolapsus uteri, sterility, and all uterine and vaginal ulcerations, effective in the treatment of diabetes, for curing and for preventing the return of syphilis, and for the cure of leprosy, 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 statements regarding the identity of the article and its ingredients appearing on the label aforesaid, to wit, "The greatest doctors and eminent chemists had tried in vain to combine Sulphur with liquids but without success. Dr. Kaufmann spent years in vain to do it, but in the end produced Sulphur Bitters, a combination of Flowers of Sulphur and rich juices of the best known roots, barks and herbs; Sulphur Bitters has been the crowning success of Dr. Kaufmann's life," were false and misleading, in that they indicated to the purchasers thereof that said article of drugs consisted of an appreciable amount of sulphur in solution with liquids, combined by means of a process discovered by Dr. Kaufmann, when, in truth and in fact, the said article did not consist of an appreciable amount of sulphur in solution with liquids, combined by means of a process discovered by Dr. Kaufmann.

On October 21, 1915, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

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