

4411. Misbranding of "Dr. H. A. Tucker's Fever Drops" and "Dr. H. A. Tucker's Diapho No. 59 Retie Compound". U. S. * * * v. Harrison A. Tucker. Plea of guilty. Fine, \$25. (F. & D. No. 6229. I. S. Nos. 8057-e, 8058-e.)

On February 7, 1916, the United States attorney for the Eastern 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 Harrison A. Tucker, Brooklyn, N. Y., alleging shipment by said defendant, from the State of New York into the State of Massachusetts, in violation of the Food and Drugs Act, as amended:

(1) On or about December 16, 1912, of a quantity of an article called "Dr. H. A. Tucker's Fever Drops," which was misbranded. The article was labeled: (On bottle) "Dr. H. A. Tucker's Fever Drops. Prescription No. 64. .31 Alcohol. This medicine is unequalled for promoting free perspiration in cases of sudden colds and in relieving Inflammation, Pains with throbbing Pulsations, Congestive Headache and Fevers of all kinds. For the cure of Catarrh, Croup, Asthma, Whooping Cough and all Pulmonary Affections, Measles, Chicken Pox, Small Pox, Canker Rash and all eruptive Diseases, Diphtheria, Sore Throat, Enlarged Tonsils, Dysentery, Diarrhœa, Cholera Infantum and Difficult Teething it has proved to be almost a Specific. Full Directions inside the wrapper. Price \$1.00. Prepared and Sold By Dr. H. A. Tucker, 393 Clinton St., Brooklyn, New York. Dose: In the first stage take a teaspoonful of the Fever Drops in a wine glass of hot water once every half hour until free perspiration is produced, then it may be taken less frequently until the Fever subsides. In obstinate cases attended with chills, pain in the back and limbs, soak the feet fifteen minutes in strong mustard water and apply hot dry salt to the small of the back. The salt should be sewed between cotton cloth and heated once every half hour and applied as hot as it can be borne. Diet and full directions see circular of directions around each bottle. H. A. Tucker, M. D." (Blown in bottle) "H. A. Tucker, M. D., Brooklyn, N. Y. No. 59 Diaphoretic Compound." (On wrapper) "64 Dr H. A. Tucker's Fever Drops Prescription No. 64. .31 Alcohol. This medicine is unequalled for promoting free perspiration in cases of sudden Colds and in relieving Inflammation, Pains with throbbing Pulsations, Congestive Headache and Fevers of all kinds. For the cure of Catarrh, Croup, Asthma, Whooping Cough and all Pulmonary Affections, Measles, Chicken Pox, Small Pox, Canker Rash and all eruptive Diseases, Diphtheria, Sore Throat, Enlarged Tonsils, Dysentery, Diarrhœa, Cholera Infantum and Difficult Teething it has proved to be almost a Specific. Full Directions inside the wrapper. Price \$1.00 Prepared by Dr. H. A. Tucker, 393 Clinton St., Brooklyn, N. Y. and sold by All Druggists. Directions. Dose: In the first stage take a teaspoonful of the Fever Drops in a wine glass of hot water once every half hour until free perspiration is produced, then it may be taken less frequently until the Fever subsides. In obstinate cases attended with chills, pain in the back and limbs, soak the feet fifteen minutes in strong mustard water and apply hot dry salt to the small of the back. The salt should be sewed between cotton cloth and heated once every half hour and applied as hot as it can be borne. Diet and full directions see circular of directions around each bottle. For every disease of the human System nature furnishes from her vegetable Store house a Specific. The normal action of diseased organs is more certainly induced by vegetable than by the application of mineral substances, and their action is as rapid and energetic as can be borne with impunity. H. A. Tucker, M. D. Fever-Drops-No. 64." The circular or pamphlet accompanying the article contained, among other things, the following: "A successful remedy in the following diseases." For Pleurisy, take a teaspoonful of the Fever Drops

in warm water once every hour to six times a day. Bathe the affected parts with No. 59 Compound." "Catarrh and Influenza. All attacks of this disease readily yield to the Fever Drops." "Scarlet Fever. To cure the Scarlet Fever it is only necessary to determine the humors gently to the surface of the body, and prevent their striking in upon the vitals; for this purpose the Fever Drops are unequalled. They should be prepared with cold water, equal parts; dose: one teaspoonful once every thirty minutes to an hour, according to the severity of the case. It may be taken less frequently as the disease abates. If the throat is much affected bathe with No. 59 Compound. Bathe the body and limbs with the same." "Inflammation and Diseases of the Kidneys. Take one and a half teaspoonfuls of the Fever Drops in a little water four times a day." "Inflammation of the Bowels. Take half a tumbler of hot water and five teaspoonfuls of Fever Drops. Mix. Dose: two teaspoonfuls every thirty minutes until the pain and inflammation subside. Bathe back and abdomen with No. 59 Compound."

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

Alcohol (per cent by volume)-----	29.0
Solids (grams per 100 cc)-----	3.4
Ash (gram per 100 cc)-----	0.29
Reducing sugars, as invert (grams per 100 cc)-----	1.17
Camphor (gram per 100 cc)-----	0.28
Glycerin (gram per 100 cc)-----	0.56
Tincture of opium (minims per fluid ounce)-----	1.7

Ipecac: Present.

Antimony and antipyrine: Absent.

Product is a hydroalcoholic solution of camphor, opium, glycerin, and ipecac.

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, "Dr. H. A. Tucker's Fever Drops * * * For the cure of Catarrh, * * * Whooping Cough and all Pulmonary Affections, Measles, Chicken Pox, * * * Diphtheria, * * * Enlarged Tonsils, Dysentery, * * * Cholera Infantum, * * * it has proved to be almost a Specific," and included in the circular or pamphlet aforesaid, to wit, "A successful remedy in the following diseases," "For Pleurisy, take a teaspoonful of the Fever Drops in warm water once every hour to six times a day. Bathe the affected parts with No. 59 Compound," "Catarrh and Influenza. All attacks of this disease readily yield to the Fever Drops," "Scarlet Fever. To cure the Scarlet Fever it is only necessary to determine the humors gently to the surface of the body, and prevent their striking in upon the vitals; for this purpose the Fever Drops are unequalled. * * * It may be taken less frequently as the disease abates. If the throat is much affected bathe with No. 59 Compound. Bathe the body and limbs with the same," "Inflammation and Diseases of the Kidneys. Take one and a half teaspoonfuls of the Fever Drops in a little water four times a day," "Inflammation of the Bowels. Take half a tumbler of hot water and five teaspoonfuls of Fever Drops. Mix. Dose: Two teaspoonfuls every thirty minutes until the pain and inflammation subside. Bathe back and abdomen with No. 59 Compound," 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, in-

redients or medicinal agents effective, among other things, for the cure of catarrh, whooping cough, and all pulmonary affections, measles, chicken pox, diphtheria, enlarged tonsils, dysentery, and cholera infantum, and effective as a successful remedy for catarrh and influenza, and for pleurisy, scarlet fever, and inflammation of the bowels, when used in conjunction with No. 59 Compound, and as a remedy for inflammation and diseases of the kidneys, when, in truth and in fact, it was not, in whole or in part, composed of, and did not contain, such ingredients or medicinal agents.

(2) On or about February 25, 1913, of a quantity of an article called "Dr. H. A. Tucker's Diapho No. 59 Retic Compound," which was misbranded. This article was labeled: (On bottle) "Dr. H. A. Tucker's Diapho No. 59 Retic Compound .746 Alcohol A valuable Remedy in Colic, Cramps, Spasmodic Affections Cholera, Dysentery & Summer Complaints, Sudden Colds, Coughs, Fever & Ague, Asthma, Dyspepsia, Heartburn, Headache, Ague in the Face, Toothache Neuralgia & Rheumatic Affections, Bruises, Sprains, Wounds of all kinds, Cold Feet, Chilblains, Corns, Pain in the Side, Back and Limbs, Scalds and Burns, Frost Bites, Spinal Affections, Numbness, Paralysis, White Swelling, Hip Complaints, Felons, Boils, Ringworms, Old Sores, Poison by Ivy & Dogwood, Stings of Bees and Bites of Poisonous Insects &c. Price \$1.00 Prepared by Dr. H. A. Tucker 393 Clinton St. Brooklyn, N. Y. sold by all Druggists. Beware of Counterfeits Dose. From thirty drops to a teaspoonful in half a cup of hot water or milk, sweetened. For Coughs or Throat Complaints mix a teaspoonful of the 59 Compound with one tablespoonful of molasses, take a teaspoonful of the mixture once in half an hour or more frequently, if required, until relief is obtained. For Nervous Headache and Neuralgia Pains in the Head and Face let some one bathe your forehead and temples with the Compound, and by pouring a little into your hands, rubbing them together and holding them over your nostrils, inhale the aroma. Repeat the inhaling several times until relief is obtained. Less dose for Children according to Age. H. A. Tucker M. D." (Blown in bottle) "H. A. Tucker M. D. Brooklyn, N. Y. No. 59 Diaphoretic Compound." (On wrapper) "Trade Mark 59 Dr. H. A. Tucker's Diapho No. 59 Retic Compound .746 Alcohol. A valuable Remedy in Colic, Cramps, Spasmodic Affections Cholera, Dysentery & Summer Complaints, Sudden Colds, Coughs, Fever & Ague, Asthma, Dyspepsia, Heartburn, Headache, Ague in the Face, Toothache Neuralgia & Rheumatic Affections, Bruises, Sprains, Wounds of all kinds, Cold Feet, Chilblains, Corns, Pain in the Side, Back and Limbs, Scalds and Burns, Frost Bites, Spinal Affections, Numbness, Paralysis, White Swelling, Hip Complaints, Felons, Boils, Ringworms, Old Sores, Poison by Ivy & Dogwood, Stings of Bees and Bites of Poisonous Insects &c. Price \$1.00 Prepared by Dr. H. A. Tucker 393 Clinton St. Brooklyn, N. Y. and sold by All Druggists. Directions: Dose, From thirty drops to a teaspoonful in half a cup of hot water or milk, sweetened. For Coughs or Throat Complaints mix a teaspoonful of the 59 Compound with one tablespoonful of molasses, take a teaspoonful of the mixture once in half an hour or more frequently, if required, until relief is obtained. For Nervous Headache and Neuralgia Pains in the Head and Face let some one bathe your forehead and temples with the Compound, and by pouring a little into your hands, rubbing them together and holding them over your nostrils, inhale the aroma, repeat the inhaling several times until the pain is relieved. Less dose for Children according to Age. See Circular around each bottle for full directions. The Diaphoretic Compound by its powerful yet harmless action on the secretory and excretory Organs of the system, thereby renovating the blood, and freeing it from all impurities, is adapted to a wider range of Diseases than any preparation heretofore offered to the public. It is claimed for this preparation that by a new

and peculiar process the aroma, or medicinal magnetism of plants is obtained, which is the natural Agent for restoring the magnetic equilibrium in the diseased human body. H. A. Tucker, M. D. Diaphoretic Compound No. 59." The circular or pamphlet accompanying the article contained, among other things, the following: "Cures Grip, Coughs, Colds and Malaria. Prevents Pneumonia and Consumption." "East Denmark, Oxford Co., Me., Dec. 3, 1877. To Dr. H. A. Tucker: Dear Sir: I was taken last January with the Sciatic Rheumatism, and after using various remedies to no avail your Diaphoretic Compound 'No. 59' was recommended to me by Mr. E. J. Egan, of Boston. I commenced to take it last July, and after using it a few weeks my pain and lameness left me and I have been able to do a good day's work every day for the past seven weeks, and have not had any symptoms of pain or lameness since it first left me. I can safely recommend your Diaphoretic Compound 'No. 59' as a sure cure for Sciatic Rheumatism. Respectfully yours, J. W. Davis."

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

Alcohol (per cent by volume)-----	71.5
Solids (gram per 100 cc)-----	0.68
Ash (gram per 100 cc)-----	0.01
Total oils (per cent by volume)-----	2.8

Fixed oil (possibly from lobelia): Trace.

Capsicum, oil of cinnamon, cineol (indicates oil of cajuput), oil of anise: Present.

Ginger and salicylates: Absent.

Product is a hydroalcoholic solution of the oils of cinnamon, cajuput, and anise; it also contains capsicum and possibly a trace of lobelia.

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, "Dr. H. A. Tucker's Diapho No. 59 Retic Compound * * * A valuable Remedy in * * * Cholera, Dysentery, * * * Fever & Ague, Asthma, * * * Paralysis," and included in the circular or pamphlet aforesaid, to wit, "Cures Grip, * * * Malaria. Prevents Pneumonia and Consumption," "I can safely recommend your Diaphoretic Compound 'No. 59' as a sure cure for Sciatic Rheumatism," 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, among other things, as a remedy for cholera, dysentery, fever and ague, asthma, and paralysis, for the cure of grip and malaria, as a preventive of pneumonia and consumption, and as a sure cure for sciatic rheumatism, when, in truth and in fact, it was not, in whole or in part, composed of, and did not contain, such ingredients or medicinal agents.

On February 7, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

CARL VROOMAN, *Acting Secretary of Agriculture.*