

**4531. Misbranding of "Pastor Koenig's Nerve Tonic." U. S. \* \* \* v. 6 Dozen Bottles "Pastor Koenig's Nerve Tonic." Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 6719. I. S. No. 4826-k. S. No. E-353.)**

On July 13, 1915, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 dozen bottles of "Pastor Koenig's Nerve Tonic," remaining unsold in the original unbroken packages at Philadelphia, Pa., alleging that the product had been shipped, on or about May 20, 1915, and transported from the State of Illinois into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended. The shipping containers were labeled: "Pastor Koenig's Nerve Tonic. A Natural Remedy for Epileptics, St. Vitus Dance, Hypochondria, Nervousness, Dizziness, Inebriety, Sleeplessness, Spinal and Brain Weakness Prepared by Koenig Medicine Co. Chicago, Ill. Price \$1.00. Enclosed Bottle Contains 14 ounces 5 per cent Alcohol."

It was alleged in the libel that the product was misbranded in that the label and circular contained statements, designs, and devices regarding the curative or therapeutic effects of said article, and the ingredients or substances contained therein, which were false and fraudulent in that said article would not produce the curative or therapeutic effects which purchasers would be led to expect by the statements, designs, and devices (quoted or described below), and which were applied to the said article with a knowledge of their falsity for the purpose of defrauding purchasers thereof: (On carton) (In English and German.) "\* \* \* Nerve Tonic. A Natural Remedy for Epileptic Fits, \* \* \* St. Vitus Dance, \* \* \* Dizziness, Inebriety \* \* \* Spinal and Brain Weakness." (Bottle Label) "\* \* \* Nerve Tonic against Epileptic fits, falling sickness, St. Vitus dance \* \* \* inebriety, \* \* \* dizziness." (Booklet) "\* \* \* The medicine is as the word 'tonic' implies, a composition which restores the natural action of the nerves; \* \* \* in most all cases restores to health and vigor. \* \* \* Long experience and many experiments have brought it to such perfection that good results always follow its use. To effect a speedy and permanent cure it is necessary not only to take the medicine as directed for each particular case. \* \* \* Epilepsy—Falling Sickness—Fits. To effect a cure \* \* \* It is imperative with Pastor Koenig's Nerve Tonic that it must be taken regular and with patience, as a cure can not be expected within a short time."

On October 11, 1915, the Koenig Medicine Co., Chicago, Ill., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and the execution of bond in the sum of \$200, in conformity with section 10 of the act, one of the conditions being that the product should be relabeled under the supervision of the Chief of the Philadelphia Laboratory of the Bureau of Chemistry of the Department of Agriculture.

CARL VROOMAN, *Acting Secretary of Agriculture.*