

4998. Misbranding of "Dr. W. H. Baker's Tubercular Remedy." U. S. * * * v. Edward D. Morgan. Plea of nolo contendere. Fine, \$25 and costs. (F. & D. No. 6575. I. S. No. 5442-h.)

On October 20, 1915, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Edward D. Morgan, heretofore treasurer and general manager of the W. H. Baker Co., formerly a corporation, Cleveland, Ohio, alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about October 18, 1913, from the State of Ohio into the State of Missouri, of a quantity of an article labeled, in part, "Dr. W. H. Baker's Tubercular Remedy", which was misbranded.

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

Solids (grams per 100 cc)-----	26.23
Sucrose (grams per 100 cc)-----	3.03
Reducing sugars before inversion (grams per 100 cc)-----	7.98
Glucose by polarization (grams per 100 cc)-----	3.82
Ammonium salts as ammonium chlorid (grams per 100 cc)---	1.46
Alkaloids (unidentified) (grams per 100 cc)-----	0.03
Iodin as potassium iodid (grams per 100 cc)-----	0.70
Alcohol (per cent by volume) (grams per 100 cc)-----	11.24
Chlorids, glycerin, tannin, licorice and potassium: Present.	
Wild cherry and gentian: Indicated.	

The product is essentially a hydroalcoholic solution of sucrose, glucose, invert sugar, potassium iodid, ammonium chlorid, glycerin, licorice, and alkaloid-bearing drug (unidentified), and unidentified plant extractives; wild cherry and gentian indicated.

It was charged in substance in the information that the article was misbranded for the reason that the statements appearing on its label, falsely and fraudulently represented it as a remedy and cure for tuberculosis when, in truth and in fact, it was not. Misbranding was alleged for the further reason that the statements included in the leaflet accompanying the article falsely and fraudulently represented it as a remedy for all forms of tuberculosis, when, in truth and in fact, it was not.

On February 1, 1917, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$25 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*