

**5558. Misbranding of "Dr. Hilton's Specific No. 3." U. S. \* \* \* v. G. W. Hilton's Specifics, Inc., a corporation. Plea of nolo contendere. Fine, \$50. (F. & D. No. 7548. I. S. No. 1422-1.)**

On August 21, 1916, the United States attorney for the district of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against G. W. Hilton's Specifics (Inc.), a corporation, Lowell, Mass., alleging the sale by said company, on or about August 21, 1915, in violation of the Food and Drugs Act, under a guaranty that the article was not misbranded within the meaning of the said act, of a quantity of an article labeled in part, "Dr. Hilton's Specific No. 3," which was a misbranded article within the meaning of the said act, as amended, and which said article, in the identical condition in which it was received, was shipped by the purchaser thereof, on September 20, 1915, from the State of Massachusetts into the State of Maine, in further violation of the said act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of uncoated sugar pills, moistened with alcohol.

Misbranding of the article was alleged in the information for the reason that it contained alcohol, and the label failed to bear a statement of the quantity or proportion of alcohol contained therein. It was further alleged in substance that the article was misbranded for the reason that certain statements appearing on its label falsely and fraudulently represented it as a treatment for colds, coughs, grippe, bronchitis, and all ills that develop from a cold, and as a preventive of pneumonia, when, in truth and in fact, it was not.

On April 17, 1917, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of \$50.

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