

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 204, FOOD AND DRUGS ACT.

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#### MISBRANDING OF A DRUG—"LAMBERT'S WINE OF COCA."

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 24th day of August, 1909, in the District Court of the United States for the Eastern District of Michigan, judgment was rendered in two cases of the United States against Benjamin L. Lambert, both prosecutions upon informations in substance charging said defendant with having shipped and delivered for shipment from Detroit, Mich., to Chicago, Ill., six packages of a drug labeled:

"LAMBERT'S WINE OF COCA WITH PEPTONATE IRON  
AND EXTRACT OF COD LIVER OIL.

Contains 22% Alcohol. A refined preparation, acting as a pronounced tonic and general Nerve builder. The Cod Liver Oil in this preparation is represented by the extractive principles, containing as it does the Morrhuine, Butylamine, Iodine, Bromine and Phosphorus.

We fully warrant this product to be free from any opiate such as Morphine, Codeine or Opium.

Guaranteed under the Pure Food and Drugs Act of June 30th, 1906. Serial Number 1998.

LAMBERT PHARMACAL AND CHEMICAL CO.,  
Detroit, Mich."

which was misbranded for the reasons that the package failed to bear a statement on the label of the quantity or proportion of cocaine contained therein and the label was false, misleading, and deceptive to purchasers in that iodine and bromine were represented as present therein, when in truth and in fact these ingredients were not present.

The defendant pleaded nolo contendere on the aforesaid date to this information and to a second information similar to the above, which charged said defendant with a shipment of the same product from Detroit, Mich., to Buffalo, N. Y. The court imposed upon him a fine of \$10 in each case.

The facts upon which the prosecutions were based were as follows:

An inspector of the United States Department of Agriculture obtained a sample from the consignment of the product shipped to Fuller & Fuller of Chicago, Ill. This sample was analyzed in the Bureau of Chemistry of the United States Department of Agriculture and found to contain no bromine or iodine. A like sample was obtained from the consignment shipped by said manufacturer to the Pharmacal Drug Company, of Buffalo, N. Y., which was analyzed with like results. The said Benjamin L. Lambert was afforded a hearing, provided for in section 4 of the act, with regard to the misbranding alleged, whereupon it appeared that the act had been violated, and the Secretary of Agriculture, on July 9 and August 6, 1909, reported the facts of the two offenses to the Attorney General. The cases were referred to the United States Attorney for the Eastern District of Michigan, who filed informations against the said Benjamin L. Lambert, with the result hereinbefore stated.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *February 18, 1910.*