

Issued June 27, 1910.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 401, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG—"HODNETT'S GEM SOOTHING SYRUP."

On or about March 23, 1909, Alfred T. G. Hodnett, York, Pa., shipped from said State of Pennsylvania to the city of Washington, in the District of Columbia, a quantity of a certain drug product labeled "Hodnett's Gem Soothing Syrup." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, said Alfred T. G. Hodnett, and the party from whom the samples were procured, were afforded opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Middle District of Pennsylvania charging the above shipment and alleging that the product was misbranded within the meaning of the said act, because its labels bore the following false and misleading statements, to wit: "Hodnett's Gem Soothing Syrup. Superior to all Soothing Syrups. This preparation contains approximately $4\frac{1}{2}$ grains of opium and 4 per cent of alcohol in each ounce. Guaranteed perfectly harmless. Contains no morphine, and is superior to all preparations for children ever manufactured. Mothers need not fear giving this medicine to the youngest babe, as no bad results come from the continued use of it," when, as a matter of fact, said product did contain morphine, and contained a much less quantity of alcohol to each ounce than was stated in said labels, said false and misleading statements being intended to mislead and deceive the purchasing public.

On May 3, 1910, the defendant entered a plea of guilty to this information, and the court imposed a fine of \$10 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *May 23, 1910.*

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