

# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

---

### NOTICE OF JUDGMENT NO. 610, FOOD AND DRUGS ACT.

---

#### MISBRANDING OF A DRUG PRODUCT—"DR. WINCHELL'S TEETHING SYRUP."

On or about January 8, 1909, the Emmert Proprietary Company, a corporation, Chicago, Ill., shipped from the State of Illinois to the State of Michigan 144 bottles of a drug product, each of which bottles was labeled: "Dr. Winchell's teething syrup, for stomach and bowel troubles during teething; diarrhœa, dysentery, colic, summer complaint, sore mouth and ordinary ailments of children. Emmert Proprietary Company, Chicago, Ill., Guaranteed under the Food and Drugs Act of June 30, 1906. Serial No. 576." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report thereon that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded said Emmert Proprietary Company and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said 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 Northern District of Illinois against the said Emmert Proprietary Company, charging the above shipment, and alleging that the product so shipped was misbranded, in that a circular wrapped around and accompanying each of said bottles contained, among others, statements as follows: "The best medicine for the diseases incident to infancy that has ever been given to the world"; "Will positively cure every case if given in time"; "Quiets and soothes all pain"; "Cures diarrhœa, and dysentery in the worst forms"; "Is a certain preventive of diphtheria"; "Cures \* \* \* diphtheria"; which said statements were then and there false and misleading, because the drug product aforesaid was not the best medicine for the diseases incident to infancy; it would not cure every case if given in time; it would not quiet and soothe all pain; it would

not cure diarrhoea and dysentery in the worst forms; it was not a certain preventive of diphtheria, and it would not cure diphtheria.

On January 14, 1910, the defendant entered a plea of not guilty to the above information, and on March 29, 1910, withdrew said plea and substituted therefor a plea of guilty, whereupon the court imposed a fine of \$25 and costs.

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

W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *September 26, 1910.*

