

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 693, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG PRODUCT (ALLEGED DRUG-HABIT CURE).

On or about January 13 and June 14, 1909, W. J. Tucker, Atlanta, Ga., shipped in two separate consignments from the State of Georgia to the District of Columbia a quantity of a drug product, consisting of an alleged drug-habit cure, labeled "Dr. W. J. Tucker, 43-1/2 Whitehall Street, Atlanta, Ga. Prepared exclusively for L. F. Kay. Take a teaspoonful in water 3 times a day. Make each bottle last a week or more."

Samples from these shipments were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said W. J. Tucker was afforded an opportunity for hearing. As it appeared after hearing held that the shipments were 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 Georgia, charging the above shipments and alleging the product so shipped to be misbranded in that each of the bottles of drugs embraced therein contained morphine and alcohol and that the label thereon failed to bear either a statement of the quantity or proportion of morphine or alcohol contained therein or that any morphine or alcohol was contained therein.

On October 10, 1910, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$25.

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., November 2, 1910.

