

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 707, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG PRODUCT.

(BREAK-UP-THE-GRIP TABLETS.)

On or about January 25, 1909, John D. Langham, Holley, N. Y., shipped from the State of New York to the State of Michigan a quantity of a drug product labeled "Break-Up-The-Grip Tablets, for la grippe, colds, headache, all forms of neuralgia, rheumatic and malarial pains, price 25 cents. Manufactured by J. D. Langham, Holley, N. Y. The great laxative grippe cure; cures colds and grippe in one day. We claim these tablets to be the best in the world for la grippe, colds, headaches, and all pains and fevers where pleasant and speedy relief is desired. They leave no depressing results so common to most remedies now on the market, which are recommended for these complaints. They will break up la grippe, colds, headache and neuralgia promptly and save you hours of pain. Dose. One or two tablets. Repeat in one, two, or three hours, as may be required by the nature and severity of the affection for which they are taken. Children $1/2$ to one tablet, according to age. Will cure headache in ten minutes." On the end of the boxes containing this product there were stamped in small, indistinct type by means of a rubber stamp: "Each tablet contains 2 grs. acetanilid." With said product, there was packed a printed circular of directions, relating and referring to said product, which said circular bore, among other statements, the following, to wit: "Break-Up-The-Grip Tablets, a new, pleasant and safe remedy for the cure of la grippe and all pains. They will positively cure la grippe, neuralgia, headache (in all forms), rheumatic pains, malarial pains, etc.; they contain no injurious ingredients and we warrant them to give satisfaction or money will be refunded."

Samples of 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 made thereon indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said John D. Langham and the party from whom the samples were procured were afforded 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 Western District of New York against the said John D. Langham, charging the above shipment, and alleging that the product so shipped was misbranded in that the statement upon the label above set forth that said product "will cure headache in ten minutes", was false because said product could not remove the cause of the headache, and could not cure headache in ten minutes or in any other time, and could not even relieve headaches due to certain causes, such as brain tumors, heart disease, uraemia, or meningitis, said statement conveying a false impression to the public, in that the statement above quoted, that the preparation in question "cures colds and grippe in one day" was false because said preparation could not cure or "kill" colds or the grippe in one day, said statement conveying to the public the idea that the tablets had a peculiar virtue in curing colds and the grippe in one day, whereas they had no such peculiar virtues; in that the statement above quoted referring to the product as "the great laxative grippe cure", was false and misleading, because it conveyed to the public the representation that the product would cure the grippe, whereas said preparation contained no ingredients and possessed no virtue which justified the statement that it would cure the grippe; in that the tablets constituting the product in question contained an approximate average of 1.85 grains of acetanilid instead of 2 grains of acetanilid as indicated on said label; in that the quantity or proportion of acetanilid contained in said tablets was not declared on the principal label thereof; in that the statement upon the printed circular above referred to that said tablets were "a new, pleasant and safe remedy for the cure of la grippe, neuralgia, headaches (all forms), rheumatic pains, malarial pains, etc.", was false and misleading because said tablets would not cure grippe, neuralgia, or all or any forms of headache, rheumatic pains, or malarial pains, and in that the statement upon said tablets that "they contain no injurious ingredients" was false, for the reason that said tablets contained acetanilid, a drug which is injurious to the human system.

On October 11, 1910, the defendant entered a plea of not guilty to the above information, but two days later withdrew said plea and substituted therefor a plea of guilty, whereupon 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.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *November 15, 1910.*