

Issued April 18, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 820, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG PRODUCT—"BURWELL'S INSTANTANEOUS HEADACHE CACHETS."

On or about July 7, 1910, The Willis H. Lowe Company, a corporation, Boston, Mass., shipped from the State of Massachusetts into the State of Michigan a quantity of a drug product labeled: "Burwell's Instantaneous Headache Cachets. These Cachets are composed of Caffeine and Acetanilid and are warranted free from Antipyrine, Morphine, Chloral or Opium. They are speedy, certain and safe remedy for Headaches of all origin, whether Sick, Bilious, Nervous or Hysterical . . . Manufactured by the Willis H. Lowe Co., Chemists and Perfumers, Boston, Mass. Instantaneous Trade Mark Burwell's Registered Headache Cachets." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to consist of caffeine, acetanilid, and sodium bicarbonate. 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 Secretary of Agriculture afforded the said Willis H. Lowe 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 District of Massachusetts against the said Willis H. Lowe Company, charging the above shipment, and alleging that the product so shipped was misbranded, in that the statement appearing on the label above set forth, that is to say, that said drug was a speedy, safe, and certain remedy for headaches of all origin, was false and misleading, because the said drug possessed

no therapeutic value for headaches of any origin, and was not a safe remedy because it contained a large amount of acetanilid, a dangerous drug which rendered the product unsafe for use by persons suffering from headache, and in that the product contained a large amount of acetanilid, the quantity or proportion of which was not declared or stated upon the label thereof.

On January 27, 1911, 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., *March 21, 1911.*

