

## United States Department of Agriculture,

### OFFICE OF THE SECRETARY.

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#### NOTICE OF JUDGMENT NO. 837, FOOD AND DRUGS ACT.

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#### MISBRANDING OF A DRUG PRODUCT—DR. B. W. HAIR'S ASTHMA CURE.

On or about April 13, 1910, Margaretta R. Cochran and Westanna McClelland, doing business under the name of Dr. B. W. Hair, and Robert H. Cochran, their agent and manager, Hamilton, Ohio, shipped from the State of Ohio into the District of Columbia a quantity of a drug product labeled: "Dr. B. W. Hair's Asthma Cure Guaranteed under the Food and Drugs Act, June 30, 1906. Serial 3085. Of the drugs required to be named by the above Act the only one entering into this preparation is alcohol, of which it contains not to exceed 18 per cent in volume. Prepared by Dr. B. W. Hair, Hamilton, O. Price per bottle \$1.00." Packed with the product was a circular on which the following statement, among others, appeared: "Follow directions . . . If strictly followed a cure may be surely expected." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was shown to contain alcohol by volume 18.48 per cent, nonvolatile material 9.15 per cent, including 5.54 per cent potassium iodide, and glycerine and water. 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 Margaretta R. Cochran, Westanna McClelland, and Robert H. Cochran, 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 Southern District of Ohio against the said Margaretta R. Cochran, Westanna McClelland, and Robert H.

Cochran, charging the above shipment and alleging that the product so shipped was misbranded, in that it was labeled as above set forth and was accompanied by the above cited circular, and that said label and circular were false, misleading, and deceptive, in that by the use of the words "Asthma Cure" and "Follow directions . . . If strictly followed a cure may be surely expected," they bore and contained statements and representations regarding such article of drug, and the ingredients and substances contained therein, which were false, misleading, and deceptive, in that they implied, held out, and represented that such article of drug would cure and be effective in bringing about the cure of the disease of asthma, and possessed and contained therapeutic properties capable of effecting a cure for the disease of asthma, when, in truth and in fact, said article did not constitute a cure for the disease of asthma, nor did it possess or contain therapeutic properties such as to make it a cure for said disease or effective in bringing about such cure, nor did any of the ingredients contained in said article constitute such a cure or possess or contain such therapeutic properties.

On January 28, 1911, the cause came on for hearing and the defendants entered a plea of guilty to the above information, 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. L. MOORE,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *April 8, 1911.*