

# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 930, FOOD AND DRUGS ACT.

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#### MISBRANDING OF A DRUG PRODUCT—"DR. ELDERS' CELEBRATED TOBACCO SPECIFIC."

On or about May 6, 1910, H. W. Elders, St. Joseph, Mo., shipped from the State of Missouri into the State of Michigan a quantity of a drug preparation labeled: "Dr. Elders' Celebrated Tobacco Specific. Cures Smoking, Chewing, Cigarette and Snuff Dipping Habits in three to five days. It is as Certain in its Cure as are Taxes and Death sure to all. Oldest, Cheapest, Best. Thousands so testify. Elders' Sanitarium devoted exclusively to the cure of Alcoholics, Morphine, Tobacco and Cigarettes. St. Joseph, Missouri. Dr. Elders' Tobacco Specific Cures Cases of Tobacco Habit in three to five days. No craving for tobacco after the first dose or antidote. A valuable remedy for Indigestion, Dyspepsia, Liver Complaint, Nervousness and Debility of the System. And a Positive Cure for the 'Tobacco Heart'. Manufactured by Dr. Elders, Elders' Sanitarium, St. Joseph, Missouri. Guaranteed to be according to U. S. Government Food and Drugs Act June 30th, 1906. Serial No. 19772. Each tablet (one dose) Contains With Other Ingredients (Not Specified) Coca Leaves Grains 1—A Derivative of Cocaine Grs. 1-200 or 1-40th grain to the ounce. Open here. Important. Explicit directions and important advice to users of this remedy will be found in this box. Read Carefully. Label on box: Directions for using Dr. Elders' Tobacco Specific. Stop the Use of Tobacco at Once. Take a Lozenger of the Specific—place it in the mouth, let it slowly dissolve and swallow all of it with the saliva. Do not expectorate. When nearly gone put another Lozenger in mouth. Keep it in the mouth constantly until all cravings for tobacco are overcome. Use 15 to 25 Lozengers each day until all craving for tobacco is overcome. Then continue the use of the Specific less often for a few days, until a cure is perfect beyond all doubt. If a craving continues after two or three days it is because you are not using enough of the Specific. In addition to holding the Specific in the mouth, also swallow one Lozenger every hour or two, keeping a Lozenger in the mouth continuously. Dr. Elders' Specific for Tobacco, Elders'

Sanitarium, St. Joseph, Missouri." A sample from this shipment was procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to consist essentially of cocaine and cocaine derivatives, strychnine, cinchona alkaloids, the said alkaloidal material amounting to 0.31 per cent with a small amount of ginger present, the remainder consisting of sugar, starch, and excipient material, the preparation being flavored with methyl salicylate. As the findings of the analyst and report thereon indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said H. W. Elders and the party from whom the sample was procured were afforded opportunities for hearings. As it appeared after hearings held that the above shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of evidence upon which to base a prosecution.

On January 4, 1911, a criminal information was filed in the District Court of the United States for the Western District of Missouri against the said H. W. Elders, charging the above shipment and alleging that the product so shipped was misbranded because it was labeled as above set forth, which label was false and misleading, as it conveyed the impression that the preparation possessed therapeutic properties which rendered it a specific and especially adapted for the treatment of the tobacco habit and disorders resulting from said habit; when, as a matter of fact, the preparation did not possess the therapeutic properties attributed to it in the said label; and because said label represented that the preparation contained "no injurious drugs or ingredients," when, as a matter of fact, it contained cocaine and the derivatives of cocaine, which are drugs well known to be injurious.

On March 7, 1911, the defendant entered a plea of guilty to the above information, whereupon the court imposed a fine of \$100 and costs.

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., *June 2, 1911.*