

Issued September 27, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1051.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF GESSLER'S MAGIC HEADACHE WAFERS.

On February 4, 1911, the United States Attorney for the Eastern District of Wisconsin, acting upon the report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against Max Gessler, alleging shipment by him, in violation of the Food and Drugs Act, on July 7, 1910, from the State of Wisconsin into the State of Massachusetts, of a quantity of a certain drug that was misbranded. The said drug was labeled as follows: (On carton) "Gessler's Magic Headache Wafers * * * 'Cure while you wait' * * * Guaranteed to cure headache and neuralgia, nothing else, but these sure in twenty minutes or your money back. Manufactured by Max Gessler, Ph. C., Milwaukee, Wis., U. S. A." (On box) "Gessler's Magic Headache Wafers Manufactured only by Max Gessler, Ph. C., Milwaukee, Wis., U. S. A. Each ounce of Gessler's Magic Headache Wafers contains 250 grains Acetanilide or 5 grains Acetanilide in each tablet. Don't experiment with a headache remedy. Take one that is guaranteed—one that has had the endorsement of both the profession and the public for more than a score of years. 'Gessler's' are guaranteed by your druggist to cure headache and neuralgia from any cause in twenty minutes or your money back. * * * " (In booklet enclosed with the product) "'Gessler's' have the power to cure headache and neuralgia, nothing else, but these sure in twenty minutes or your money back. They are guaranteed to contain no * * * harmful substances. They leave no bad after effects. Woman's headaches caused by * * * are quickly cured by the use of Gessler's Magic Headache Wafers. * * * Easy way to cure a headache."

Analysis by the Bureau of Chemistry of this Department showed the product to consist essentially of caffeine and acetanilide. Misbranding was alleged in the first count of the information for the

reason that the label on said drug claimed curative powers and properties for the cure of headache and neuralgia, which were false, misleading, and deceptive, and misbranding was alleged in the second count for the reason that the product contained an ingredient, to wit, acetanilide, which may have a harmful effect upon the user, and which is apt to leave a bad effect contrary to the claims set forth in said label, whereas said label claimed that the article did not contain any harmful substance, and that the article leaves no after effect, which claim and statement regarding said article or product were false, misleading, and deceptive.

On May 25, 1911, the defendant was arraigned, pleaded guilty, and was sentenced to pay a fine of \$15.

JAMES WILSON,
Secretary of Agriculture.

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

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