

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1079.

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

MISBRANDING OF EPILEPSY CURE.

On May 10, 1911, the United States Attorney for the Eastern District of Michigan, acting upon the report by the Secretary of Agriculture, filed information in the District Court of the United States against Dr. Peebles's Institute of Health, Ltd., Battle Creek, Mich., alleging shipment by it, in violation of the Food and Drugs Act, on September 2, 1910, from the State of Michigan into the District of Columbia, of a package containing two bottles of a drug denominated respectively "Dr. Peebles' Brain Restorative for Epilepsy and all diseases of the brain and nervous system", and "Dr. Peebles' Nerv-Tonic for the blood and nerves, purely vegetable". The label on these two bottles contained the following statements, viz: (Bottle No. 2) "Purity Guarantee Serial No. 9886. Dr. Peebles Brain Restorative for Epilepsy and all diseases of the Brain and Nervous System. This Great Reconstructive Brain Tonic is the result of nearly twenty-five years experience with Epilepsy and other nervous and mental disorders. It sustains and strengthens while assisting nature in building up worn-out and broken nerve and brain tissues. This Prescription Contains 12% Alcohol. Just enough to preserve it and keep it pure, fresh and active. Directions: Take a teaspoonful in half a tumbler of water about half an hour after each meal. Caution Be careful in the matter of diet. Drink lots of water—one to two quarts per day—and keep the bowels regular. Carelessness in these matters can easily undo in a few days time all we can possibly accomplish in weeks. Be faithful and persistent and live up to the best that is within you at all times. Dispensed only by Dr. Peebles Institute of Health, Battle Creek, Michigan." (Bottle No. 1) "Pur-

ity Guarantee Serial No. 9886. Dr. Peebles' Nerv-Tonic for the Blood and Nerves Purely Vegetable. Dr. Peebles' Nerv-Tonic is a purely Vegetable Blood Purifier and Nerve Tonic, compounded from highly concentrated extracts of roots, herbs and barks. A Pleasant, Safe and Effectual Remedy for impure and impoverished blood; Weak and Broken Down Nerves; Nervous and Mental Exhaustion; Fainting Spells; Paralysis; St. Vitus' Dance; Epilepsy; loss of Memory; Hysteria; Sleeplessness; Nervous Headaches; Neuralgia and other symptoms of Nerve Weakness and disease the result of heredity, overwork, indiscretions or excesses. This Prescription contains 12% Alcohol, just enough to preserve it and keep it pure, fresh and active. Dose: One teaspoonful in a wine-glass of water three times per day (preferably before meals) in mild cases, and every four hours in those that are more aggravated. Dispensed only by Dr. Peebles Institute of Health. Battle Creek, Mich." Packed with the two bottles was a pamphlet in which appeared the following statements, among others: "Our treatment is * * * curative. We treat and remove causes and not the symptoms"; "Our treatment is made up of * * * remedies of known specific efficiency"; "Epilepsy * * * there is a sure and reliable cure for most cases. If you will hold to the treatment faithfully * * * we believe we can cure you. And when we say cure, we mean a permanent, lasting cure"; "Our Epilepsy Specifics * * * attack the disease at its very fountain head, the brain and great nerve centers * * * Your improvement will be somewhat slow at first but none the less sure. * * * Your vitality will increase. The nerves will become steadier, the brain more active, and the intellect clearer and brighter. You will be on the high road to permanent recovery"; "We have cured many others after every known treatment and remedy had failed, and with your honest and faithful help, we see no reason why we cannot cure you"; "Do not * * * throw away this opportunity of a full and lasting cure * * * stand firm and faithfully by the treatment until your disease is fully uprooted, the damage to the brain and nervous system repaired, and you are able to rejoice with the ever increasing army of the cured".

Analyses by the Bureau of Chemistry of this Department of the aforesaid drugs showed the Nerv-Tonic to be a sweetened hydro-alcoholic solution of vegetable products of a non-alkaloidal nature, containing no material with distinctive active characteristics, and the Brain Restorative to be a solution of bromides of ammonium, sodium and potassium combined with an alcoholic preparation of valerian, and flavored with bitter almond flavor. Misbranding was alleged for the reason that the statements, above set forth, contained in the labels on the two bottles and the pamphlet in which said bottles were wrapped and packed are false and misleading, because they convey the impres-

sion that the drugs in question possess therapeutic properties of high value in the treatment of epilepsy and diseases of the brain and nervous system, when, in truth and in fact, the agents of which the said drugs are composed have long been known in the medical profession and no reliable authority claims that, taken singly or together, they can be relied on for the cure of epilepsy or kindred diseases, the fact being generally recognized among the highest medical authorities that there is no substance or mixture known at the present time which can be relied upon for this purpose, any beneficial effect which the treatment in question might have being temporary and palliative only.

On May 18, 1911, the defendant company, by its treasurer, filed a plea of nolo contendere, and a fine of \$5 was imposed, which fine has been paid.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *August 23, 1911.*

