

3734. Misbranding of "Dr. H. A. Ingham's Vegetable Expectorant Nervine Pain Extractor."
U. S. v. Louise M. Ingham et al. (H. A. Ingham & Co.). Plea of guilty. Fine, \$100.
(F. & D. No. 5958. I. S. No. 1190-e.)

On December 30, 1914, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Louise M. Ingham and William D. Woodman, trading as a partnership under the name of H. A. Ingham & Co., Vergennes, Vt., alleging shipment by said defendants, on or about December 23, 1912, from the State of Vermont into the State of Massachusetts, of a quantity of "Dr. H. A. Ingham's Vegetable Expectorant Nervine Pain Extractor," which was misbranded in violation of the Food and Drugs Act, as amended. The product was labeled: (On the bottles) "Dr. H. A. Ingham's Vegetable Expectorant Nervine Pain Extractor. Alcohol, 84 per cent, Opium, 2½ Grains Per Ounce. No. 2883. Guaranteed under the Food and Drugs Act, June 30, 1906. Dr. H. A. Ingham & Co. Vergennes, Vt. . . ." The circular wrapped around each of the bottles contained, among other things, the following:

"In aiding Nature to overcome Nervous Suffering, Pain, and Disease, this great remedy produces four effects, unlike any other, and which render it excellent above any known, because in real suffering so important. 1st—It revives promptly, but the simple stimulants are skilfully counteracted, and it restores the blood to the hands and feet. 2d—It invigorates and regulates the disordered stomach and appetite, sustains every class of organs, equalizes nervous energy, imparts comfort and strength and the pulse beats more natural, whether it were running too fast, or too slow. 3d—It sustains and subdues raging fever. 4th—It removes nervous suffering, and in unrest, sleep becomes calm and refreshing, and usually regulates the bowels; it harmonizes with and aids the system much like Nourishment, and thus harmlessly, but powerfully, aids nature to overcome disease. Used to restore Healthy Action, the more severe the suffering the more surprising the effect.

"As in health Nourishment sustains every class of organs, so this remedy aids and sustains nature in disease, and enables her to overcome it in many cases. It is unrivalled for the cure or relief of all Pain, Inflammation, and Nervous Suffering. It can be relied upon to break up the most violent attack of Neuralgia. Quarter to one teaspoonful in a tumbler of water, taken by degrees, and remaining quiet ten to thirty minutes, cures terrible attacks of Nervous Headache and Sick Headache. It is a speedy remedy for Colds, Sore Throat, Boneache, Chills, Dizziness, Fever, Croup, Quinsy, Congestion, Soreness and Pressure of the Lungs, Pleurisy, and all the train of difficulties arising from colds, if not too far advanced. It checks sinking, and subdues Typhoid, Lung, Scarlet, and Rheumatic Fevers; removes Palpitation of the Heart, Pressure of Blood to the Head, Pain in the Chest, Side, Shoulders, Joints, Limbs, Toothache, and cures Crick in the Back, often in a day. It is warranted to promptly break up the spasms arising from the loss of limbs. Large doses to regulate the system, after which, small doses to sustain, will surely relieve Cholera, Bilious Colic, Dysentery, common or chronic Bowel Complaint, Sunstroke and Suspended Animation, if the life power is not exhausted.

"Taken and applied in time to produce and retain a warm moist state, we believe it is as certain to cure Diphtheria and Putrid Sore Throat as water is to subdue fire. It has become a standard remedy for this disease in many places.

"It has cured obstinate cases of Dyspepsia and Vomiting of food; low states of Lung and Typhoid Fever; Bleeding at the Lungs, Nervous Exhaustion, Neuralgia, where all known remedies have failed, and life was despaired of. A few doses promptly break up the most violent attacks of Asthma or Phthisic. The nervous sufferer, with cold hands and feet, low spirits, tired feeling, general prostration, indigestion, nervousness, inability to sleep, here finds a real benefit. New life is imparted to the whole system—the influence is soft and harmonious; circulation becomes

buoyant, gentle, complete; health begins to course through all the veins, as the system is regulated. It can be relied upon to restore the blood to the hands and feet, and prevent fits of apoplexy, epilepsy, and worm fits when coming on, and break them up readily, if the vital energies are not overcome; an effect more precious than Gold or Jewels. It will remove all suffering from Wounds, Bruises, Sprains or Burns, on man or beast, in five to fifteen minutes, and as the blood will not settle, it will heal without inflammation or suffering, if curable. It will break up a felon in from an hour to a day or two, by keeping it wet with the medicine.

"In the midst of a fever and ague chill it will subdue the suffering, produce perspiration, prevent the fever, and relieve the disease by repeating from one to three times. Five to ten drops in water checks vomiting—to be repeated as occasion requires. It cures Inflammation of the Eyes, Piles, Poison from Ivy, &c.; Chilblains, Venomous Bites, and Stings. For teething and restless children, it is not only safe and harmless, but positively beneficial, it agrees with the most tender child or feeble infant. If sick, it will do good; if well, it will do no harm. From two to five drops for the infant, and from fifteen to sixty for an adult, repeated as the case may require, aids the purifying and sustaining organs of the body, and disease and suffering flee away, often more readily than we could expect.

"The Vegetable Expectorant Nervine Pain Extractor has gained the most unparalleled friendship wherever it has been known. Its unprecedented power in controlling all nervous suffering, pain, and inflammation, is truly wonderful, surprising even the most incredulous.

"It is purely vegetable, perfectly harmless, and adapted to all constitutions. . . .

"Cholera, Bilious Colic, Dysentery, Diarrhoea, and Bowel Complaint.—This remedy cures these disorders by restoring and sustaining the equilibrium of the system. Take teaspoonful-doses—less for children, according to age—in water (warm if convenient) once in fifteen to thirty minutes, until the violence of the symptoms is removed; after which take from five to twenty drops four times a day, until the usual energy returns. This has saved many valuable lives where the best known remedies have failed. . . ."

"Chronic Rheumatism, Contracted Cords, Paralyzed Limbs, Soreness, Inflammation or Pain.—Take from 10 to 30 drops before breakfast, dinner, and at bedtime, and bathe the affected part with the medicine once or twice a day. From one to five bottles have cured numerous cases of from one to twenty years' standing. . . ."

"Bronchial Irritation, Sore Throat, and Quinsy are usually cured in a night, by taking one or one and a half or two teaspoonfuls in nearly a pint of warm water, seasoned to taste, and bathing the throat thoroughly with the medicine clear, and apply cloths, wet and dry, as for Neuralgia. Take the medicine by slow degrees, to produce a more direct action upon the throat. . . ."

"Croup.—Moisten a cloth with the medicine, one-half vinegar, and bind it upon the throat with a number of thicknesses of dry flannel, and administer a dose to produce a warm moist state. It cures promptly. . . ."

"Diphtheria.—For an adult (less for children, according to age) give half teaspoonful doses in warm water, once in 20 or 30 minutes, until gentle perspiration is produced, and apply cloths as for croup over the throat and chest. Then after suffering ceases give 5 to 10 drops sufficiently often to retain a warm, moist state until a cure is effected. Relief is immediate, and the cure we believe certain if not too far advanced, although it has cured a person that was given up, when nothing but teaspoonful doses clear would have any effect. . . ."

"Cuts, Bruises, Wounds, Broken Ligaments, Dislocated Joints, Broken Bones, or Sprains.—Wet the bandage with the Nervine Pain Extractor, and keep it wet; water will do for two or three times after the first application, if pain does not return. It will remove all suffering from any wound, it matters not how severe, on man or beast, in

15 to 30 minutes; and it will heal rapidly, without inflammation or suffering, if the vital energies are not overcome, and the wound is protected from injury."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the sample to contain alcohol, 86 per cent, opium alkaloids, camphor, capsicum, and vegetable extractive matter.

Misbranding of the product was alleged in the information for the reason that the statements "For teething and restless children, it is not only safe and harmless, but positively beneficial; it agrees with the most tender child or feeble infant. If sick, it will do good; if well it will do no harm. . . . It is purely vegetable, perfectly harmless, and adapted to all constitutions," borne on the wrappers of the bottles contained in the package, were false and misleading, in that they were of such a nature and import as to mislead and deceive the purchasers thereof into the belief that said article contained no harmful or poisonous ingredient, and no ingredient whatsoever which could injure the most tender child or feeble infant, whereas, in truth and in fact, said article contained morphin and other opium alkaloids of a poisonous and deleterious nature, such as might prove harmful and deleterious to the health of tender children and feeble infants, and other persons, if consumed by them.

Misbranding was alleged for the further reason that the wrappers around the bottles bore the statements set forth above regarding the therapeutic or curative effects of said drug, which said statements were false and fraudulent in that they were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently to the purchasers thereof and create in the minds of the purchasers thereof the impression and belief that it was, in whole or in part, composed of or contained ingredients or medicinal agents effective to subdue raging fever and to cure typhoid fever, lung fever, scarlet fever, rheumatic fever, cholera, dysentery, sunstroke, diphtheria, bleeding at the lungs, nervous exhaustion, and piles, and to prevent fits of apoplexy and epilepsy when coming on, and to heal without inflammation or suffering all wounds, sprains, and burns, and break up a felon in from an hour to a day or two and to cure congestion of the lungs, pleurisy, fits of apoplexy, chronic rheumatism, paralyzed limbs, and croup; whereas, in truth and in fact, said drug was not, in whole or in part, composed of and did not contain ingredients or medicinal agents effective to subdue raging fever, or to cure typhoid fever, lung fever, scarlet fever, rheumatic fever, cholera, dysentery, sunstroke, diphtheria, bleeding at the lungs, nervous exhaustion, or piles, or to prevent fits of apoplexy and epilepsy when coming on, or to heal without inflammation or suffering all wounds, sprains, or burns, or to break up a felon, or to cure congestion of the lungs, pleurisy, fits of apoplexy, chronic rheumatism, paralyzed limbs, and croup.

On March 3, 1915, a plea of guilty was entered by the defendants, and the court imposed a fine of \$100.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *April 16, 1915.*