

4139. Misbranding of "Otto's Spruce Gum Balsam and Pine Tar Compound." U. S. v. John H. Rohsenberger (American Pharmacal Co.). Plea of guilty. Fine, \$100 and costs. (F. & D. No. 6142. I. S. No. 7174-e.)

At the April, 1915, term of the District Court of the United States for the District of Indiana, the grand jurors of the United States within and for the district aforesaid, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned an indictment against John H. Rohsenberger, trading as the American Pharmacal Co., Evansville, Ind., charging the shipment by said defendant, in violation of the Food and Drugs Act, as amended, on September 24, 1912, from the State of Indiana into the State of Tennessee, of a quantity of "Otto's Spruce Gum Balsam and Pine Tar Compound" which was misbranded. The article was labeled: (On carton) "Otto's Spruce Gum Balsam And Pine Tar Compound. 4 M. Chloroform to the Ounce. Manufactured by The American Pharmacal Co. Evansville, Ind., U. S. A. A Valuable Remedy for Coughs, Colds, Whooping Cough, Croup, Bronchitis, Asthma, Sore Throat, Chest and Lungs, Consumption and Grip. Price 25 Cents. No. 937 Guaranteed under the Food and Drugs Act, June 30, 1906 Otto's Spruce Gum Balsam and Pine Tar Compound Is an entirely new and scientific prescription, guaranteed to be better in all Coughs, Throat, Chest and Lung troubles than any other remedy. Invaluable for Consumption. Most all Cough and Lung Remedies are expectorants—This is wrong. If you want to cure a cough you must stop coughing. Otto's Spruce Gum Balsam and Pine Tar Compound is not an expectorant, but will stop the cough almost immediately. Given according to directions it will loosen the phlegm so that it is thrown off without coughing and straining. It allays the inflammation, heals the lungs and strengthens the respiratory organs, giving vigor and vitality to the whole system. Beware of Substitutes and Imitations" (Back the same as the front) (Statements in German on other side). (On bottle) "Otto's Spruce Gum Balsam and Pine-Tar Compound 4 M. Chloroform to Ounce The American Pharmacal Co. Sole Manufacturers Evansville, Indiana Dose: 1 teaspoonful as often as necessary. Swallow slowly, leave off drinking water after taking the medicine. For full directions see pamphlet around bottle. Use strictly according to directions and relief is certain to follow. Beware of Imitations Guarantee No. 937 Price 25 cents." (Blown in bottle) "Otto's Spruce Gum Balsam." The circular or pamphlet accompanying the article contained, among other things, the following statements: "The Most Pleasant and Reliable Remedy for Coughs, Colds, Croup and all Soreness of the Throat, Chest and Lungs." "Otto's Spruce Gum Balsam and Pine Tar Compound is not an expectorant, but will stop the cough almost immediately." "This remedy is a healing balsam and strengthening invigorator to the Throat, Chest and Lungs. It will always allay that unrestful feeling and put a stop to the heavy squeaking, asthmatic breathing, which precedes consumption. If you have La Grippe there is no remedy on earth that will cure you quicker than Otto's Spruce Gum Balsam and Pine Tar Compound. It will cure you permanently, and the use of it will give you stronger lungs and better general health than you have ever enjoyed." "Otto's Spruce Gum Balsam and Pine Tar Compound has proven to be the best Cough, Lung and Bronchial remedy yet produced by medical science and pharmaceutical skill, and if faithfully used that most dreadful disease Consumption is cured in its infancy. This remedy is a scientific compound and its virtues are largely due to the peculiar process by which the active principles are extracted and the skillful and well judged proportions with which they have been combined. The most

stubborn coughs never fail to yield readily when this remedy is used. It cures them and cures them quickly."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that the product was a sirupy preparation containing tar, chloroform (0.31 minim per fluid ounce), sugar, glycerin, ammonium chlorid, wild cherry, and water.

Misbranding of the article was charged in the indictment for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, (On carton) "* * * guaranteed to be better in all Lung troubles than any other remedy. Invaluable for Consumption. * * * heals the lungs and strengthens the respiratory organs," "A Valuable remedy for * * * Whooping Cough, Croup, * * * Asthma * * * Consumption and Grip," were false and fraudulent in that the same 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 purchasers thereof the impression and belief, that it was in whole or in part composed of, or contained, ingredients or medicinal agents effective, among other things, as a remedy for lung troubles, and effective as a treatment for consumption, and effective for healing the lungs and strengthening the respiratory organs, and effective as a remedy for whooping cough, croup, asthma, consumption, and grippe; when, in truth and in fact, said article was not in whole or in part composed of, and did not contain, ingredients or medicinal agents effective, among other things, as a remedy for lung troubles, or effective as a treatment of consumption, or effective for healing the lungs, or strengthening the respiratory organs, or effective as a remedy for whooping cough, croup, asthma, consumption, or grippe. Misbranding was charged for the further reason that the following statements regarding the therapeutic or curative effects of the article, included in the circular or pamphlet aforesaid, to wit, "The Most Pleasant and Reliable Remedy for * * * Croup and all Soreness of the * * * Lungs," "This remedy is a healing balsam and strengthening invigorator to the * * * Lungs. * * * If you have La Grippe there is no remedy on earth that will cure you quicker * * * It will cure you permanently, and the use of it will give you stronger lungs * * *," "Consumption is cured in its infancy," were false and fraudulent in that the same 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 purchasers thereof the impression and belief, that it was in whole or in part composed of, or contained, ingredients or medicinal agents effective, among other things, as a remedy for croup and all soreness of the lungs, and effective as a remedy for healing and strengthening the lungs, and effective as a cure for grippe, and effective for the cure of consumption in its infancy; when, in truth and in fact, said article was not in whole or in part composed of, and did not contain, ingredients or medicinal agents effective, among other things, as a remedy for croup or all soreness of the lungs, or effective as a remedy for healing or strengthening the lungs, or effective as a cure for grippe, or effective as a cure for consumption in its infancy, or at any stage of the said disease.

On May 10, 1915, the defendant entered a plea of guilty to the indictment, and the court imposed a fine of \$100 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*