

4171. Misbranding of "Hill's Syrup of Tar, Cod-Liver Oil Extract and Menthol." * * * U. S. * * * v. Hollander-Koshland Co., Inc., a corporation. Plea of guilty. Fine, \$100. (F. & D. No. 6285. I. S. No. 2766-e.)

On October 6, 1915, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Hollander-Koshland Co. (Inc.), Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about January 9, 1913, from the State of Maryland into the District of Columbia, of a quantity of "Hill's Syrup of Tar, Cod Liver Oil Extract and Menthol" which was misbranded. The article was labeled: (On carton) "Hill's Syrup of Tar, Cod Liver Oil Extract and Menthol. We Recommend This Remedy For All Diseases of the Throat and Lungs, Asthma, Bronchitis, Coughs, and Colds, Hoarseness, Loss of Voice, Sore Throat, Etc. Highly Recommended by Physicians For Formula & Directions, see Principal Label Inside. Distributed by Walter R. Hill, West End Pharmacy No. 3269 M Street, N. W. Washington, D. C." (On back of carton) "Directions. Directions.—For adults, 1 teaspoonful every three or four hours; for children, 12 years old $\frac{3}{4}$ teaspoonful; 8 years, $\frac{1}{2}$ teaspoonful; infants, 5 to 10 drops. (Statements in foreign languages)." (On sides of carton) "For Asthma and Bronchitis Guaranteed under the Food and Drugs Act, June 30, 1906. Guarantee No. 2687. For Coughs and Hoarseness Each ounce of this preparation contains, in addition to the Extract of Cod Liver Oil, Alcohol 2 per cent., Chloroform, 3 minims, Opium $\frac{1}{8}$ grain, Cannabis Indica $\frac{1}{4}$ grain, Morphine Sulphate $\frac{1}{40}$ grain, in addition to Syrup Squills, Ipecac, Bloodroot, Tar, Wild Cherry, Spikenard, Tolu, Menthol and other valuable Expectorants and Stimulants." (On bottle) "Syrup of Tar Cod Liver Oil and Menthol. For Recent & Chronic Coughs Colds, Loss of Voice, Hoarseness, Bronchitis, etc. Each ounce of this preparation contains, in addition to the Extract of Cod Liver Oil, Alcohol 2 per cent., Chloroform 3 min., Opium $\frac{1}{8}$ gr., Cannabis Indica $\frac{1}{4}$ gr., Morphine Sulph. $\frac{1}{40}$ gr., in addition to Syrup Squills, Ipecac, Bloodroot, Tar, Wild Cherry, Spikenard, Tolu, Menthol and other valuable Expectorants and Stimulants. Directions. For an adult, a teaspoonful 3 or 4 times a day; should the cough be very troublesome, more frequent doses may be taken with safety; children 3 to 10 years old, half teaspoonful; 1 to 2, fifteen drops; less than 1 year, eight to ten drops in sweetened water. Distributed by Walter R. Hill West End Pharmacy Washington, D. C."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product was essentially a sweetened hydroalcoholic solution containing small amounts of chloroform, menthol, morphine, and tar; ipecac, tolu, cannabis indica, and wild cherry were indicated; cod-liver oil was absent.

Misbranding of the article was alleged in the information for the reason that the following statement, appearing on the label of the bottle aforesaid, "Cod Liver Oil", and the following statement, appearing on the label of the carton aforesaid, "* * * Cod liver oil * * *," which latter statement was not corrected by the word "Extract" in small type appearing immediately thereafter, were false and misleading in that they indicated to the purchasers thereof that said article of drugs contained cod-liver oil, when, in truth and in fact, said article did not contain any amount of cod-liver oil whatever. Misbranding was alleged for the further reason that the following statement, appearing in prominent type on the label of the bottle aforesaid, to wit, "Syrup of Tar, Cod Liver Oil and Menthol," was false and misleading in that it indicated to purchasers thereof that the said article of drugs contained sirup of tar, cod-liver oil, and menthol, harmless medicinal agents, as its principal and most

active ingredients, when, in truth and in fact, the said article did not contain sirup of tar, cod-liver oil, and menthol as its principal and most active ingredients, but contained as its principal and most active ingredients, to wit, chloroform, morphine sulphate, opium, and cannabis indica, dangerous habit-forming drugs. Misbranding was alleged for the further reason that the following statement regarding the therapeutic or curative effects of the article, appearing on the label aforesaid, to wit, "We Recommend This Remedy For All Diseases of the Throat and Lungs, Asthma," was false and fraudulent in that the same was applied to said article knowingly and in reckless and wanton disregard of its 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 all diseases of the throat and lungs and asthma, 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 all diseases of the throat or lungs, or asthma.

On October 6, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$100.

CARL VROOMAN, *Acting Secretary of Agriculture.*