

**4414. Misbranding of "Lightning Hot Drops." U. S. v. The Herb Medicine Co., a corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 6233. I. S. No. 3378-e.)**

On July 24, 1915, the United States attorney for the Southern District of Ohio, 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 Herb Medicine Co., a corporation, Springfield, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about January 14, 1913, from the State of Ohio into the State of Maryland, of a quantity of a substance called "Lightning Hot Drops," which was misbranded. The article was labeled: (On carton) "Lightning Hot Drops Each Dram Contains Chloroform 6 Minims, Alcohol Not Over 60 per cent. Trade Mark A Household Remedy for Pain. A Panacea For Internal and External Use. For Rheumatism, Neuralgia, Diphtheria, Sore Throat, Toothache, Earache, Sprains, Bruises, Lameness, Swellings, Inflammations, Burns, Cramps, Colic, and all painful affections. This remedy is composed of powerful and penetrating drugs and oils, and is an unequalled remedy for internal or external use. For Diarrhœa, Summer Complaint and Flux. Full Directions Inside Price 25 Cents. The Herb Medicine Co. Springfield, Ohio. Serial No. 4305." (On back of carton) "The Celebrated Lightning Remedies are Perfect, Prompt and Pleasant in their action and stand unrivaled as family medicines. A Trial Will Convince You." (On sides of carton) "Lightning Hot Drops. For Rheumatism, Neuralgia, Diphtheria, Sore Throat, Toothache, Earache, Headache, Asthma, Influenza, Inflammation of all Kinds, Swellings, Cuts, Bruises, Burns, Sprains, Chilblains, Soreness of Flesh, Cramps, Colic, Etc. For Internal and External Use. Lightning Hot Drops A Household Remedy for Pain. This remedy is warranted to give relief or the money will be refunded. Guaranteed under the Food and Drugs Act, June 30, 1906. Serial No. 4305." (On top of carton) "The Lightning Remedies are Guaranteed to relieve or money refunded. Ask your dealer for them." (On bottle) "Lightning Hot Drops A Great Remedy for Pains, External and Internal. Each dram contains chloroform 6 Minims. Alcohol not over 60 Pct. Directions: Shake before taking. For internal Pain Cramps, Colic, Flux, Cholera, Etc. Take from a half to a teaspoonful, in a little sweetened water every half hour until relieved. External Use. Apply freely and cover the affected parts with a warm cloth. Caution: Do not use near fire or artificial light. Keep tightly corked when not using. See directions Sheet Around Bottle. Price 25 Cents. The Herb Medicine Co. Springfield, Ohio." (Blown in bottle) "Lightning Hot Drops No Relief No Pay." (On carton holding 12 packages) "One Dozen Lightning Hot Drops. Each Dram Contains: Chloroform 6 Minims, Alcohol Not Over 60 Per Cent. The Herb Medicine Company Springfield, Ohio. 25 Cents. Lightning Hot Drops Each Dram Contains Chloroform, 6 Minims. Alcohol Not Over 60 Per Cent. Cures all Aches and Pains 25 Cents." The circular or pamphlet accompanying the article contained, among other things, the following: "Bloody Flux. Lightning Hot Drops may be depended upon to effect a positive cure." "Diphtheria. Bathe throat and chest freely with Lightning Hot Drops and cover with flannel cloth. Gargle throat frequently with a teaspoonful of this medicine in a little water, and give a dose according to age every hour until relieved." "Inflammatory Rheumatism. To effect a permanent and infallible cure, take one teaspoonful of Lightning Hot Drops to one-half cup of warm Sage Tea every three hours, until you are satisfied all pains and aches are gone. Then take one

teaspoonful of Lightning Hot Drops in a little water morning, noon and night for two or three days. The great object is to force the disease externally. Do not apply externally until you feel relieved; then, if any joint or limb is inflamed or swollen, bathe the part affected freely with Lightning Hot Drops. From two to six bottles cure the most obstinate cases." "La Grippe. The attack presents different characteristics in different cases, and the weakest part of the system is the one usually affected. In its initial stages the more common form is hard to distinguish from a severe cold in the head. The attack is caused by a peculiar bacillus, or microbic creature, which multiplies rapidly after entering the body. The surest means of relief is to destroy the bacilli. To do this, take a teaspoonful of Lightning Hot Drops in a little water every three hours until complete relief is felt, in the meantime bathing freely with the medicine, the throat, chest and other parts of the body which seem to be affected, and remain indoors for a few days, especially if the weather is wet or damp. This treatment has seldom, if ever, failed to cure."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume) .....	60
Nonvolatile matter at 100° C. (gram per 100 cc) .....	0.02
Chloroform, ether, and capsicum: Present.	
Odor of cinnamon and cloves or bay.	

Misbranding of the article was alleged in the information for the reason that it contained a derivative of alcohol, to wit, ether, and the bottles and packages containing the same failed to bear a statement on their respective labels of the quantity or proportion of said derivative of alcohol, to wit, ether, contained therein. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, appearing on the labels aforesaid, to wit, (On carton holding 12 packages) "Cures all Aches and Pains." (On carton holding 1 bottle) "A Panacea for Internal and External Use. For \* \* \* Diphtheria \* \* \*," and included in the circular or pamphlet aforesaid, to wit, "Bloody Flux. Lightning Hot Drops may be depended upon to effect a positive cure," "Diphtheria. Bathe throat and chest freely with Lightning Hot Drops and cover with flannel cloth. Gargle throat frequently with a teaspoonful of this medicine in a little water, and give a dose according to age every hour until relieved," "Inflammatory Rheumatism. To effect a permanent and infallible cure, take one teaspoonful of Lightning Hot Drops to one-half cup of warm Sage Tea every three hours until you are satisfied all pains and aches are gone. Then take one teaspoonful of Lightning Hot Drops in a little water morning, noon and night for two or three days. \* \* \* Do not apply externally until you feel relieved; then, if any joint or limb is inflamed or swollen, bathe the part affected freely with Lightning Hot Drops. From two to six bottles cure the most obstinate cases," "La Grippe. \* \* \* The surest means of relief is to destroy the bacilli. To do this, take a teaspoonful of Lightning Hot Drops in a little water every three hours until complete relief is felt, in the meantime bathing freely with the medicine, the throat, chest and other parts of the body which seem to be affected, and remain indoors for a few days, especially if the weather is wet or damp. This treatment has seldom, if ever, failed to cure," were false and fraudulent in that said statements 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 cure for all aches and pains, as a panacea for internal and external use, as a cure for diphtheria and bloody flux, as a relief for diphtheria, as a cure for inflammatory rheumatism and la grippe, whereas, in truth and in fact, it was not, in whole or in part, composed of, and did not contain, such ingredients or medicinal agents.

On October 7, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*