

4477. Misbranding of "Arch Brand Nerve Tonic" and "Arch Brand Blood Remedy." U. S. * * * v. National Pharmacy Co., a corporation. Plea of guilty. Fine, \$50. (F. & D. No. 6559. I. S. Nos. 2274-e, 2275-e.)

On November 3, 1915, the United States attorney for the Northern District of California, 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 National Pharmacy Co., a corporation, Oakland, Cal., 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 California into the State of Washington, of quantities of "Arch Brand Nerve Tonic" and "Arch Brand Blood Remedy," which were misbranded.

The nerve tonic was labeled: (On bottle) "Arch Brand Nerve Tonic For Mental Inactivity, Failing Memory, Loss of Sleep, Depression of Spirits, Nervous Irritability, Nervous Prostration, Convalescence from Acute Diseases, Fevers, Pneumonia, etc. A Scientific Combination of Tonics and Nerve Restoratives long used by the Medical Profession for building up 'run-down' constitutions, and it will be found a general Tonic to the entire system, as well as to the nerves. Directions The adult dose is one to two teaspoonfuls, three times a day, either one-half hour before or after meals. Children from 4 to 12 years of age, one-quarter ($\frac{1}{4}$) teaspoonful; children twelve to sixteen years, one-half ($\frac{1}{2}$) teaspoonful. Manufactured for Arch Pharmacal Company San Francisco, New York." (On carton) "Price \$1.00 Arch Brand Nerve Tonic 'A' Especially Recommended For Mental Inactivity Failing Memory, Loss of Sleep, Depression of Spirits, Nervous Irritability, Nervous Prostration, Convalescence from Acute Diseases, such as Fevers, Pneumonia, Etc. A Nutritive Tonic and System Builder Manufactured for Arch Pharmacal Company San Francisco and New York Arch Nerve Tonic Arch Nerve Tonic Guaranteed by the Arch Pharmacal Company under the food and drugs act, June 30, 1906 Serial number, 27,457 Nerve Tonic as its name implies is a tonic to the Entire Nervous System This Preparation has proven itself of great value to 'run-down,' nervous and tired out men and women The whole system is benefited immediately, appetite is increased, food relished, and rest is obtained. As a Tonic during convalescence from acute diseases, such as fevers, pneumonia, etc., it is unsurpassed If Run Down and Nervous from any Cause Arch Nerve Tonic Will Help You Regain Strength and Courage Guarantee This preparation is guaranteed to give satisfaction; if it does not, go back to the store where you purchased it and get your Money Back." The circular or pamphlet accompanying this article contained, among other things, the following: "This preparation has proven itself of great value to run down, nervous and tired out men and women. The whole system is benefited immediately by its use, appetite is increased, food relished and rest is obtained. As a tonic during convalescence from acute diseases, such as fevers, pneumonia, etc., it is unsurpassed. It is a nerve and brain remedy of power."

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

Nonvolatile matter (per cent)	55.7
Ash (per cent)	3.1
Sugar, as invert (per cent)	52.6
Alcohol: Absent.	
Hypophosphorous acid: Present.	
Sodium, potassium, calcium, and magnesium salts: Present.	

Quinine: Present.

Strychnine: Indicated.

An aqueous solution of sugar, hypophosphorous acid, and salts of sodium, potassium, calcium, and magnesium; quinine and strychnine, indicated.

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label of the bottle aforesaid, to wit, "Arch Brand Nerve Tonic, For * * * Nervous Prostration * * *," and included in the circular or pamphlet aforesaid, to wit, "It is a nerve and brain remedy of power," were false and fraudulent in that the same were applied to the 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 nervous prostration and for nerve and brain diseases generally, when in truth and fact, it was not, in whole or in part, composed of, and did not contain, such ingredients or medicinal agents.

The blood remedy was labeled: (On bottle) "Arch Blood Remedy Alcohol 20 Per Cent This Remedy Possesses Great Curative Qualities in Cases of Scrofula, Chronic and Acute Skin Affections, Ulcers, Piles and Diseases arising from an Impure or Impoverished Condition of the Blood Directions The adult dose is, one teaspoonful three times a day, one half hour before or one half hour after meals, as best suits the patient. Children from four to twelve years of age $\frac{1}{4}$ to $\frac{1}{2}$ teaspoonful. Manufactured for Arch Pharmacal Company San Francisco, New York." (On carton) "Price \$1.00 Arch Brand Blood Remedy Alcohol 20% 'A' Composed of Sarsaparilla, Senna, Cascara and other well known drugs, with Potassium Iodide, for the treatment of Scrofula Chronic and Acute Skin Affections, Rheumatism, Ulcers, Piles, and Diseases arising from an impure or impoverished Condition of the Blood. Makes Good Red Blood Manufactured for Arch Pharmacal Company San Francisco and New York. Arch Blood Remedy Arch Blood Remedy Guaranteed by the Arch Pharmacal Company under the food and drugs act June 30, 1906 Serial number 27,457 This remedy is a combination of well known remedies long used in the treatment of Boils, Pimples, Ulcers, Skin Eruptions, Salt Rheum, Rheumatism and Blood Diseases Generally Arch Blood Remedy is an Alterative, Eliminate and Blood Purifier, and will be found a most excellent remedy for Spring Fever that tired feeling that comes on as Spring approaches Guaranteed This Preparation is guaranteed to give satisfaction; if it does not, go back to the store where you purchased it and get your Money Back."

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

Alcohol (per cent by volume)	18.22
Solids (grams per 100 cc)	35.49
Sugar (grams per 100 cc)	31.2
Potassium iodid (gram per cc)	0.88
Sarsaparilla: Indicated.	

Emodin-bearing drugs: Present.

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, (On carton) "Arch Brand Blood Remedy * * * This Remedy is a combination of well known remedies

long used in the treatment of * * * Salt Rheum, Rheumatism and Blood Diseases Generally." (On bottle) "Arch Blood Remedy * * * This Remedy Possesses Great Curative Qualities in Cases of Scrofula, * * * Acute Skin Affections, * * * Piles * * *," were false and fraudulent in that the same were applied to the 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 salt rheum, rheumatism, and blood diseases generally, and as a cure for scrofula, acute skin affections, and piles, when, 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 November 12, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

C. F. MARVIN, *Acting Secretary of Agriculture.*