

4523. Misbranding of "C. K. Wilson's Original Wa-Hoo-Bitters". U. S. * * * v. Charles Kent Wilson, trading as Old Indian Medicine Co. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 6697. I. S. No. 4219-h.)

On October 26, 1915, the United States attorney for the Northern 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 Charles Kent Wilson, trading as the Old Indian Medicine Co., Toledo, Ohio, alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about February 6, 1914, from the State of Ohio into the State of Wisconsin, of a quantity of "C. K. Wilson's Original Wa-Hoo Bitters," which was misbranded. The article was labeled: (Bottle) "C. K. Wilson's Original Wa-Hoo-Bitters The Great Blood and Nerve Remedy (Representation of Indian Heads) This Preparation contains the following ingredients: Prickly Ash, Wa-Hoo, Wild Cherry, Sassafras, Gentian and Senna, Magnesium Sulphate, Salicylic Acid. A reliable remedy for Rheumatism, Blood Disorders, Stomach Troubles, Liver and Kidney Complaint, Sick Headache, Malaria, Indigestion, Dyspepsia, Constipation, Catarrh of the Stomach, Nervousness, Skin Diseases, Salt Rheum, Scrofula and Neuralgia. Female Weakness and Irregularities promptly relieved and permanently healed. A Healer for Catarrhal Troubles of any Mucus Lined Passages, Price \$1.00 per bottle Manufactured by Old Indian Medicine Co., Battle Creek, Michigan Toledo, Ohio. New Label Adopted Jan. 1, 1912." (On sides) "Wa-Hoo Bitters The Great Blood and Nerve Tonic." (On back) "We Guarantee that if after a fair trial the Medicine does not do as represented, you can return the bottle to our Retailer and your money will be refunded. A purely vegetable compound, free from all mineral poison. Cleanses all bilious derangements and impure blood from the system. Restores weakened constitutions. Tones the Nerves and creates an appetite. Directions. For adults, a tablespoonful night and morning. If too strong regulate to suit the system. Children, from 3 to 12 years, a teaspoonful before retiring; from 12 to 16 years, a teaspoonful night and morning." (Directions in German follow) "Wa-Hoo contains in a condensed form all the elements necessary to give new life and richness to the blood and restores shattered nerves. An unfailing specific for such diseases as partial Paralysis, St. Vitus' Dance, and after effects of La Grippe, Palpitation of the Heart, all forms of weakness, either in male or female, and all diseases resulting from vitiated humors in the blood. Guaranteed by Old Indian Medicine Co., under Pure Food and Drugs Act, June 30, 1906. Serial No. 5718."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product was a slightly sweetened aqueous solution of Epsom salt (0.90 gram per 100 cc), salicylic acid (0.40 gram per 100 cc), and a laxative plant drug, with indications of sassafras, gentian, and prickly ash.

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: "A Reliable Remedy for * * * Malaria * * * Catarrh of the Stomach * * * Salt Rheum * * * Scrofula and Neuralgia. * * * An unfailing specific for such diseases as partial Paralysis, St. Vitus' Dance, and * * * all forms of weakness either in male or female, and all diseases resulting from vitiated humors in the blood * * *," 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 pur-

chasers 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 malaria, catarrh of the stomach, salt rheum, scrofula, and neuralgia, as an unfailing specific for such diseases as partial paralysis, St. Vitus' dance, and all forms of weakness, either in male or female, and effective in all diseases resulting from vitiated humors in the blood, 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 April 4, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*