

4984. Misbranding of "Sensapersa." U. S. * * * v. Stephen Britton (The Brown Export Co.). Plea of guilty. Fine, \$50. (F. & D. No. 5748. I. S. No. 2393-k.)

On August 10, 1916, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Stephen Britton, trading as the Brown Export Co., New York, N. Y., alleging the sale by said defendant, on March 18, 1915, in violation of the Food and Drugs Act, as amended, under a guaranty that the article was not misbranded within the meaning of the said act, of a quantity of "Sensapersa," which was a misbranded article within the meaning of said act and which said article, in the identical condition in which it was received, was shipped by the purchaser thereof, on March 26, 1915, from the State of New York into the Island of Porto Rico, in further violation of the said act, as amended. The article was labeled, in part: "Sensapersa * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed purple colored tablets containing asafetida, cannabis indica, and a drug containing a mydriatic alkaloid such as hyoscyamus.

It was charged in substance in the information that the article was misbranded for the reason that the statements on the label falsely and fraudulently represented it as a treatment for worn-out bodies, nervous prostration, nervous exhaustion, debility, and all forms of neurasthenia, such as insomnia, loss of memory and faintness; and as a remedy for all conditions caused by mental or physical exhaustion; and as a restorer of the nerves; and for the further reason that the statements included in the circular accompanying the article falsely and fraudulently represented it as a remedy for all cases of neurasthenia; as a trustworthy remedy for nervous prostration, nervous exhaustion and nervous debility; and as a medicine to cure nervous troubles in all forms in men and women, to keep the nervous system in a condition to resist everything; and as a remedy for all kinds of nervous attacks, mental and physical; when, in truth and in fact, it was not.

On November 6, 1916, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

CARL VROOMAN, *Acting Secretary of Agriculture.*