

5646. Misbranding of "Kopp's Kidney Pills," "Kopp's," and "Kopp's Baby's Friend." U. S. * * * v. Kopp's Baby's Friend Co., a corporation. Plea of *nolo contendere*. Fine, \$25 and costs. (F. & D. No. 7407. I. S. Nos. 14333-k, 14335-k, 14545-k, 15603-k.)

On October 18, 1916, the United States attorney for the Middle District of Pennsylvania, 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 Kopp's Baby's Friend Co., a corporation, York, Pa., alleging shipment by said company in violation of the Food and Drugs Act, as amended, on or about June 23, 1915, from the State of Pennsylvania into the State of Michigan, of quantities of articles labeled in part "Kopp's Kidney Pills," and "Kopp's," and on or about January 20, 1915, and May 29, 1915, into the State of Illinois, of quantities of articles labeled in part, "Kopp's Baby's Friend" and "Kopp's," respectively, which were misbranded.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed the following results:

The Kidney Pills:

Methylene blue:	Large amount.
Juniper oil:	Present.
Starch:	Present.
Ash (total) (per cent)	6.82
Calcium oxid (per cent)	5.12
Magnesium oxid (per cent)	0.12
Ash (pill without coating) (per cent)	3.88
Buchu:	Indicated.
Nitrates:	None.
Hexamethylenamine:	None.
Carbonates:	Present.

Preparation is a pink, coated pill containing chiefly methylene blue, juniper, and unidentified matter.

The "Baby's Friend":

Alcohol (per cent by volume)	8.82
Nonvolatile matter in vacuo at 70° C. (grams per 100 cc)	41.35
Ash:	Trace.
Morphine as morphine sulphate (grains per fluid ounce)	0.08
Sucrose by Clerget (per cent)	43.79
Reducing sugars as invert (gram per 100 cc)	0.43

Anise and caraway flavor. Preparation is a heavy sirupy mixture, containing alcohol, morphine, and aromatic substances.

The "Kopp's":

(1)

Alcohol (per cent by volume)	8.52
Nonvolatile matter at 70° C. in vacuo (per cent)	36.42
Sucrose by Clerget (per cent)	36.36
Morphine as morphine sulphate (grains per fluid ounce)	0.09
Aromatics:	Present.

The preparation is a sirup containing alcohol, morphine, and aromatics.

(2)	
Specific gravity at 25° C. -----	1.142
Alcohol (per cent by volume) -----	7.84
Nonvolatile matter at 70° C. (per cent) -----	35.65
Sucrose by Clerget (per cent) -----	35.01
Morphine as morphine sulphate (grains per fluid ounce) ---	0.07
Aromatics: Present.	

Preparation is a sirup containing alcohol, morphine, and aromatics.

It was alleged in substance in the information that the Kidney Pills were misbranded for the reason that certain statements appearing on the labels falsely and fraudulently represented them as a remedy for kidney troubles and diseases due to disordered kidneys and bladder, backache, rheumatism, congestion of the kidneys, inflammation of the bladder, urinary troubles, and all diseases arising from disorders of the kidneys and bladder, when, in truth and in fact, they were not; and for [the] further reason that certain statements included in the circular or pamphlet accompanying the pills falsely and fraudulently represented them as a remedy for kidney and bladder complaints, congestion of the kidneys, backache, rheumatism, gravel, inflammation of the bladder, and urinary troubles, and effective in the treatment and prevention of Bright's disease, lumbago, dribbling, blood in the urine, sudden stoppage of the urine, catarrh of the bladder, gall stones, excessive thirst, ashen pallor of the face, irregular heart action, swollen ankles, frequent bilious attacks, frequent desire to urinate, and female diseases, when, in truth and in fact, they were not.

It was alleged in substance in the information that the "Baby's Friend" was misbranded for the reason that certain statements appearing on the carton and bottle, or in the circulars or pamphlets accompanying the article, as the case might be, falsely and fraudulently represented it as a remedy for wind colic, griping in the bowels, diarrhea, cholera infantum, and teething troubles, when, in truth and in fact, it was not; and for the further reason that certain statements included in the circulars or pamphlets accompanying the article were false and misleading in that they indicated to purchasers that the article did not contain a poisonous or deleterious ingredient which might render it injurious to health, when, in truth and in fact, it contained a poisonous and deleterious ingredient which might render it injurious to health, to wit, 0.08 grains morphine sulphate, per fluid ounce.

Misbranding of the article labeled "Kopp's" was alleged in substance for the reason that certain statements included in the circulars or pamphlets accompanying the article falsely and fraudulently represented it as a remedy for diarrhea, dysentery, cholera infantum, teething troubles, and colic, when, in truth and in fact, it was not.

On October 18, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

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