

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 180, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG—"GOWAN'S PNEUMONIA CURE."

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on December 16, 1908, in the District Court of the United States for the Northern District of Illinois, a judgment was rendered in the case of the United States *v.* Gowan Medical Company, a corporation organized and existing under the laws of the State of North Carolina and transacting business through a branch office at Chicago, Ill., a prosecution upon an information in substance charging said defendant corporation with having delivered to the Baltimore and Ohio Railroad Company, at Chicago, Ill., for shipment to Washington, D. C., four cases of a certain drug called "Gowan's Pneumonia Cure," which was misbranded in the following particulars, viz:

1. On a green circular inclosed in the carton and surrounding each of the bottles containing this drug, and thereby made a part of the labels descriptive of the said preparation, occurred this statement: "It is entirely different from any other remedy, containing new principles never before applied; consequently, it cannot be substituted;" which said statement was then and there false and misleading in this, that all the ingredients in said preparation were and are well and commonly known and are constantly applied, singly or in combination, in the very manner directed by the instructions accompanying this preparation, and commonly used for the affections of the lungs, throat, and other portions of the body similarly affected.

2. On a green circular inclosed in the carton and surrounding each of the bottles containing this drug, and thereby made a part of the labels descriptive of said preparation, occurred this statement: "Supplies an easily absorbed food for the lungs that quickly effects a permanent cure;" which statement was false and misleading in this, that there is no such thing as a food for the lungs separate and apart from a food that nourishes the whole body.

3. On a white circular also inclosed in the carton and surrounding each of the bottles containing the drug, and thereby made a part of the labels descriptive of said preparation, occurred this statement: "It was endorsed and advertisement accepted by the American Medical Journal, as a valuable therapeutic agent;" which statement was false and misleading in this, that the said preparation was never advertised in the American Medical Journal and was never endorsed by the said American Medical Journal.

The information charged a further misbranding in that the labels printed upon the cartons containing the bottles filled with this preparation did not bear a statement of the quantity of opium contained in said preparation in a manner that could be easily read by the purchaser; but the statement of the amount of opium contained therein was printed in inconspicuous type in such an inconspicuous place that the proper notice of the poisonous contents of said preparation was not easily conveyed to the purchaser or person to whom it might be transferred.

On the aforesaid date, the defendant pleaded guilty to the above information and was fined \$200. The facts on which the prosecution was based were as follows:

On November 22, 1907, an inspector of the United States Department of Agriculture purchased from the Washington Wholesale Drug Exchange a sample of a drug preparation labeled and branded as above described, which had been shipped to said Exchange by the Gowan Medical Company from Chicago, Ill., on or about November 18, 1907. This sample was analyzed in the Bureau of Chemistry of the United States Department of Agriculture and was found to consist of stearin, lard, turpentine, camphor, phenol, quinine sulphate, opium, and a trace of quinine alkaloid. The analysis having disclosed a misbranding of the drug, the said Washington Wholesale Drug Exchange and the said Gowan Medical Company were duly notified of the charges and were given an opportunity to be heard and were heard in regard to said misbranding. It appearing that there had been a violation of the act, the Secretary of Agriculture, on May 28, 1908, reported the facts to the Attorney-General. The case was then referred to the United States Attorney for the Northern District of Illinois, who filed the above information, with the result hereinbefore stated.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 28, 1910.*