

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 182, FOOD AND DRUGS ACT.

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### MISBRANDING OF A DRUG—"BROMO FEBRIN."

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 the 29th day of October, 1909, in the District Court of the United States for the District of Maryland, judgment was rendered in the case of the United States *v.* William H. Smaw, trading as W. H. Smaw & Company, a prosecution upon an information in substance charging said defendant with having shipped from Baltimore, Md., to Detroit, Mich., one dozen packages of a drug called "Bromo Febrin," which was misbranded in this, that the packages containing the same failed to bear a statement of the quantity or proportion of acetanilid contained therein; and which was further misbranded in that said packages bore the following statement: "Each Powder contains 4 Grains of Acetanilid," which said statement was false and misleading for the reason that said powders contained more than 4 grains of acetanilid, viz., nearly 6 grains; and which was further misbranded in this, that said packages bore the statement "Sure Cure for Headache and Neuralgia," which statement was then and there false and misleading because the article in said packages was not a sure cure for headache and neuralgia; and which was further misbranded in this, that said packages bore this statement "Permanent in Results," which statement was false and misleading for the reason that the article contained therein was not permanent in results; and which was further misbranded in this, that the packages containing the same bore this statement "It is Absolutely Safe," which said statement was false and misleading because said drug was not absolutely safe.

The defendant pleaded guilty to the information on the aforesaid date, and the court imposed a fine upon him of \$20.

The facts on which the above prosecution was based were as follows:

On or about February 1, 1909, an inspector of the United States Department of Agriculture purchased from the Michigan Drug Company, of Detroit, Mich., a sample of the drug heretofore described, which was contained in a consignment shipped to said dealers from Baltimore, Md., by William H. Smaw, trading as W. H. Smaw & Company. This sample was analyzed in the Bureau of Chemistry of the United States Department of Agriculture, and each powder found to contain nearly 6 grains of acetanilid. The analysis having disclosed a misbranding of the drug, the Michigan Drug Company, and the said William H. Smaw, were duly notified thereof 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 July 31, 1909, reported the facts to the Attorney-General. The case was thereupon referred to the United States Attorney for the district of Maryland, who filed an information against the said William H. Smaw, with the result hereinbefore stated.

JAMES WILSON,  
*Secretary of Agriculture.*

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