

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 184, FOOD AND DRUGS ACT.

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### MISBRANDING OF A DRUG—"RADOL."

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 February 3, 1909, and October 1, 1909, respectively, judgments were rendered in two cases of the United States against Dennis Rupert Dupuis, both prosecutions upon informations identical in terms except as to the dates of the shipments alleged. The first information, in one count thereof, in substance charged the defendant with having shipped from St. Louis, Mo., to Washington, D. C., a certain bottle then and there labeled "This bottle contains Radol (Registered Trade Mark), a radium impregnated fluid prepared according to the formula and under the supervision of Dr. Rupert Wells, St. Louis, Missouri. This fluid is not expected to retain its radio activity beyond forty days from the date of this label. For External use. Name, E. G. Henson. Address, Washington, D. C. Date Feb. 22, 1908. Directions: To be used as directed by letter. Signature, D. R. Wells, M. D. Keep this bottle in a dark cool place."; the contents of which said bottle were misbranded in that the statements upon the label were false and misleading for the reason that said bottle contained a liquid which was not radium impregnated and which had no radio-activity beyond that of ordinary water, and further that the name Dr. Rupert Wells was a false and fictitious name, and that said fluid was not prepared according to the formula of a Dr. Rupert Wells or under his supervision; and in the second count thereof charged said defendant with having shipped from St. Louis, Mo., to Washington, D. C., a certain bottle then and there labeled "This bottle contains Radol (Registered Trade Mark), a radium impregnated fluid prepared according to the formula and under the supervision of Dr. Rupert Wells of St. Louis, Missouri.

This fluid is not expected to retain its radio-activity beyond forty days from date of this label. For internal use. Name, E. G. Henson. Address, Washington, D. C. Date, Feb. 22, 1908. Directions: Take one tablespoonful in a wine glass of water before each meal and at bed time. Signature, D. R. Wells, M. D. Keep this bottle in a cool dark place.”; the contents of which said bottle were misbranded in that the label was false and misleading in the following particulars: The said liquid was not radium impregnated and had no radio-activity, and further in that the name Dr. Rupert Wells was a false and fictitious name and that said fluid was not prepared according to the formula of a Dr. Rupert Wells, or under the supervision of a Dr. Rupert Wells, and which was further misbranded in that the said liquid contained approximately 6.99 per cent of alcohol, and that the label upon said bottle did not state the proportion of alcohol contained in said liquid or that the liquid contained any alcohol.

The defendant pleaded guilty to both informations and on the dates aforesaid was fined \$100 and \$50, respectively.

The facts upon which the prosecutions were based were as follows:

An inspector of the United States Department of Agriculture, upon two occasions, purchased samples of the drug heretofore described from Dennis Rupert Dupuis, St. Louis, Mo. The samples were analyzed in the Bureau of Chemistry of the United States Department of Agriculture and found not to be radium impregnated liquids, not to have any radio-activity beyond that of ordinary water, and to contain approximately 6.99 per cent of alcohol. The analyses having disclosed an apparent misbranding of the liquids, the said Dennis Rupert Dupuis was duly notified thereof in each case and given an opportunity to be heard, and was heard, in regard to said misbranding. Thereupon it appeared that there had been violations of the act, and the Secretary of Agriculture, on December 8, 1908, and April 23, 1909, reported the facts to the Attorney General. The cases were referred to the United States Attorney for the Eastern District of Missouri, who filed the informations against the said Dennis Rupert Dupuis, with the results hereinbefore stated.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *February 7, 1910.*