

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 346, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG—HEADACHE CURE.

On or about April 14, 1909, Harry C. Kinne, doing business under the name of the Kinne Medicine Company, of Hudson, Mich., shipped from the State of Michigan to the State of Louisiana a consignment of a product labeled "Kinne's Sure Headache Cure for Sick, Periodical and Nervous Headache. These powders do not contain any morphine or cocaine. Each powder contains a small quantity of acetanilid, two grains to the dose. Directions * * *"

Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report made that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the Kinne Medicine Company, and the dealer from whom the samples were procured, opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney General, with a statement of the evidence upon which to base a prosecution. In due course a criminal information was filed in the District Court of the United States for the Eastern District of Michigan, charging the above shipment and alleging that the product was misbranded, in that it was labeled "Kinne's Sure Headache Cure for Sick, Periodical and Nervous Headache. These powders do not contain any morphine or cocaine. Each powder contains a small quantity of acetanilid, two grains to the dose;" which statements were false, misleading, and deceptive, in that they represented that the said product contained two grains to the dose of acetanilid, whereas, an analysis of the said preparation showed that it contained three grains of acetanilid to the dose, and was further

misbranded, in that the label stated "Kinne's Sure Headache Cure for Sick, Periodical and Nervous Headache," which statements tended to deceive and mislead the purchaser into the belief that the preparation was a sure cure for headache, whereas, in fact, there was nothing shown by the analysis of the product to warrant the statement that it was a sure headache cure.

On September 29, 1909, the defendant entered a plea of nolo contendere, and the court imposed a fine of \$10.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *May 17, 1910.*

