

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 501, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG PRODUCT—DAMIANA NERVE INVIGORATOR.

On or about December 12, 1908, Steinhardt Bros. & Co., a corporation, New York City, shipped from the State of New York to the State of Massachusetts a consignment of a drug product labeled "Damiana Royal Brand Celebrated Nerve Invigorator." Samples of this product were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made indicated that the drug was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Steinhardt Bros. & Co., and the dealer from whom the samples were procured, opportunities for hearings. As it appeared after hearings held that the above 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 Circuit Court of the United States for the Southern District of New York, charging the above shipment and alleging that the product, shipped as aforesaid, was misbranded, in that the label on the bottle containing the said drug failed to bear a statement of the quantity or proportion of alcohol therein, alcohol being in fact one of the ingredients thereof; and in that the label, as above set forth, was false and misleading, because "Damiana" was not one of the ingredients or substances contained in said bottle.

The case coming on for hearing, the defendant entered a plea of not guilty, and a jury trial was had, resulting in a verdict of guilty, whereupon the court imposed a fine of \$200.

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., *June 25, 1910.*

