

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 507, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG PRODUCT—"CANCER CURE."

On or about May 12, 1908, the Dr. Curry Cancer Cure Company, a corporation of Lebanon, Ohio, shipped from the State of Ohio into the District of Columbia a consignment of fourteen drug products labeled respectively:

1. "Antiseptic Lint"; 2. "One Quarter Pound Hydrogen Peroxide"; 3. "Tersulphate of Iron"; 4. "Antiseptic Soap"; 5. "Wash 14 per cent Alcohol"; 6. "White Solution, contains 4 per cent Cocaine"; 7. "Brown Liquid, Alcohol 9 per cent"; 8. "White Powder, Acetanilid 25 per cent"; 9. "Liquid Poppy, Alcohol 14 per cent. Each fluid dram represents 1 grain purified Opium"; 10. "Anti-malignant Tonic No. 1, Alcohol 20 per cent"; 11. "Anti-malignant Tonic No. 2, Alcohol 10 per cent"; 12. (Small box of pills); 13. "Yellow Salve"; and 14. "White Salve"; all of which 14 drug products were labeled, in addition to the words above set forth, "Prepared for the Dr. Curry Cancer Cure Co., Lebanon, Ohio, U. S. A.," and purported to constitute a treatment for the cure of cancer. Samples of this shipment were procured and analyzed in the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made indicated that the products were misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the Dr. Curry Cancer Cure Company, and the dealer from whom the samples were procured, opportunities for hearings.

As it appeared after hearings held that the shipment in question 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 Southern District of Ohio, charging the above shipment, and alleging the products shipped as aforesaid to be misbranded within the meaning of the act, in that the labels above referred to were false, misleading, and deceptive in the use of the words "Cancer Cure," because they implied, held out, and represented that said articles and each of them would cure and be effective in bringing about the cure of the disease of cancer, when, in truth and in fact, said drug products, and each of them, did not constitute a cure for cancer; in that the product above referred to under No. 9, "Liquid Poppy," did not contain sufficient opium to justify the use of the words "Liquid Poppy" on the label thereof, said label being, therefore, false and misleading; in that the products above referred to under the numbers 10 and 11, as "Anti-malignant Tonic No. 1 and No. 2," did not contain ingredients justifying the use of the words "Anti-malignant Tonic," such label being, therefore, false and misleading; and in that the bottle containing the product above referred to as No. 12, "White Solution, contains 4 per cent cocaine," failed to bear a correct and truthful statement on the label as to the quantity or proportion of cocaine therein contained, the quantity of said narcotic being approximately 3 per cent instead of 4 per cent, as represented by said label, which was therefore false and misleading.

On June 9, 1910, the defendant entered a plea of guilty to the charges contained in the information above set forth, and the court imposed a fine of \$50 and costs.

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

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *June 30, 1910.*

