

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 633, FOOD AND DRUGS ACT.

MISBRANDING OF A DRUG PRODUCT—SURE POP HEADACHE POWDERS.

On or about July 12, 1909, the Sure Pop Company, a corporation, Terre Haute, Ind., shipped from the State of Indiana to the State of Illinois a quantity of a drug product labeled "Sure Pop Cures Headache and Neuralgia * * Prepared by Sure Pop Company, Terre Haute, Indiana. Price 15 Powders, 25 cents, Sure Pop, the Great Nervine. Try it." Samples of 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 said Sure Pop Company and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the 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.

On May 7, 1910, an indictment was returned against the said Sure Pop Company by the grand jurors of the United States in and for the District of Indiana, at the May term of the District Court of the United States for said district, charging the above shipment, and alleging that the product so shipped was misbranded in that the statement "Sure Pop cures headache and neuralgia," printed on the container of the product regarding the article contained therein, was false and misleading, because said article is not a cure for headache and neuralgia; in that the statement "The Great Nervine," printed on the container aforesaid regarding said article was false and misleading, because said article is in no sense beneficial to the nerves.

On May 17, 1910, the defendant appeared by its president and entered a plea of guilty to the above indictment, whereupon the court imposed a fine of \$25 and costs.

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., *October 6, 1910.*

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