

4091. Misbranding of Dr. F. S. Hutchinson's "Anti-apoplectine." U. S. * * * v. Dr. B. J. Kendall Co. Plea of nolo contendere. Fine, \$50. (F. & D. No. 5346. I. S. No. 12605-e.)

On July 10, 1915, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Dr. B. J. Kendall Co., a corporation, having its principal place of business at Enosburg Falls, Vt., and a branch office in the city of Philadelphia, Pa., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about February 25, 1913, from the State of Pennsylvania into the State of New York, of a quantity of Dr. F. S. Hutchinson's "Anti-Apoplectine" which was misbranded. The article was labeled: (On bottle) "Dr. F. S. Hutchinson's Anti-Apoplectine Prepared only by Dr. F. S. Hutchinson Co. Enosburg Falls, Vt. Contains Alcohol 21%. The Apoplexy and Paralysis Remedy For Apoplexy and Paralysis, relieves Rheumatism, Heart Disease, Chronic Bronchitis, Torpid Liver, Kidney and Bladder Troubles, Dyspepsia, etc., etc. If suffering from Dizziness or Pressure in Head, Spots before Eyes, Pain Around or Palpitation of Heart, Pain in Region of Heart with Feelings of Suffocation, Ringing Sound in Ears, Numbness or Prickly Sensation of Limbs, especially the Arm, Pain between Shoulders, and in Side, Dry Cough, Flatulence, Sour Stomach, or if suffering from General Debility with Loss of Appetite, &c., try a bottle. Directions. One-half to one teaspoonful three times daily after meals. To be taken well diluted with cold water. Price, \$1.00 per bottle. Registered in the Patent Office at Washington, Dec. 7th, A. D. 1886, by Dr. F. S. Hutchinson & Co., of Enosburg Falls, Vt." "Anti-Apoplectine The Only Apoplexy Preventive and Paralysis Cure Dr. F. S. Hutchinson Co." (Blown in bottle). (On carton) "Dr. F. S. Hutchinson's Anti-Apoplectine Trade Mark. The Apoplexy and Paralysis Remedy Contains Alcohol 21%. For Apoplexy and Paralysis Relieves Rheumatism, Heart Disease, Kidney and Bladder Troubles, Chronic Bronchitis, Congested Liver, Biliousness, Dyspepsia, Etc., Etc. If suffering from Dizziness or Pressure in Head, Spots before Eyes, Pain around or Palpitation of Heart, Pain in region of Heart with Feelings of Suffocation, Ringing Sound in Ears, Numbness or Prickly Sensation of Limbs, especially the Arm, Pain Between Shoulders and in Side, Dry Cough, Flatulence, Sour Stomach, or if suffering from General Debility with Loss of Appetite, &c., &c., try a bottle. Directions. One-half to One Teaspoonful three times daily after meals. To be taken well diluted with cold water. Price One Dollar Per Bottle. Prepared only by Dr. F. S. Hutchinson & Co. Enosburg Falls, Vt. Registered in the Patent Office at Washington, Dec. 7th, A. D. 1886, by Dr. F. S. Hutchinson & Co., of Enosburg Falls, Vermont, Anti-Apoplectine. Anti-Apoplectine is a preparation that has long been in use by a physician of forty years active professional experience, and the claims that are made for it have been verified many times. It is a combination of remedies recognized by medical science for preventing Heart Clot and for preserving the integrity of the blood vessels, especially of the brain. It not only strengthens powerfully the debilitated muscular and nervous system, but those remedies acting most effectively upon the blood for the removal of clot and relief of Paralysis following cerebral hemorrhage, also relieves Torpid and Congested Liver, and modifies the tendency to Heart Disease, which so often follows Rheumatism. It effectually aids Torpid Congested Liver, Weak and Impaired Digestion, giving an Appetite, removing Acidity and Flatulence. For the pre-apoplectic state it is the best remedy known to us that for 25 years has stood the test. For the Relief of Paralysis, Following Apoplexy, Rheumatism, Heart Disease, Chronic Bronchitis, Liver Torpidity and Congestion, Dyspepsia, Loss of Appetite, and General Debility, it has no equal within our knowledge. Have you any of the following symptoms? If so, Anti-Apoplectine will relieve you, Dizziness or Pressure in Head, with periodical Headaches, Spots before Eyes, Ringing in Ears, Pain around or Palpitation of Heart,

especially if suddenly startled, Numbness or Prickly Sensation of Limbs, more often the Arm, Pain between the Shoulders and in Side, Sleepy feeling after meals, if appetite is good, Loss of Appetite and Strength, Acid Stomach, Dry Cough, Belching Wind, General Debility, &c., &c. None genuine without the signature Dr. F. S. Hutchinson & Co. Price, One Dollar a Bottle Six Bottles for Five Dollars."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume).....	14.33
Solids (grams per 100 cc).....	5.79
Ash (grams per 100 cc).....	0.056
Ammonium chlorid (grams per 100 cc).....	4.04
Alkaloids (unidentified) (grams per 100 cc).....	0.005
Resin (probably podcphyllin) (grams per 100 cc).....	0.035

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, (On bottle) "Anti-Apoplectine * * * The Apoplexy and Paralysis Remedy for Apoplexy and Paralysis, relieves Rheumatism, Heart Disease, * * * " (Blown in bottle) "The Only Apoplexy Preventive and Paralysis Cure" (On carton) "* * * Anti-Apoplectine. The Apoplexy and Paralysis Remedy * * * For Apoplexy and Paralysis Relieves Rheumatism, Heart Disease, * * * It is a combination of remedies recognized by medical science for preventing Heart Clot and for preserving the integrity of the blood vessels, especially of the brain, * * * those remedies acting most effectively upon the blood for the removal of clot and relief of Paralysis following cerebral hemorrhage * * * ," were false and fraudulent in that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective as a preventive of apoplexy and as a remedy for apoplexy and paralysis, and effective for the relief of rheumatism and heart disease, and effective for preventing heart clot, and for preserving the integrity of the blood vessels, especially of the brain, and effective for the removal of clot and relief of paralysis following cerebral hemorrhage, when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, ingredients or medicinal agents effective as a preventive of apoplexy, or as a remedy for apoplexy and paralysis, or effective for the relief of rheumatism or heart disease, or effective for preventing heart clot, or for preserving the integrity of the blood vessels, especially of the brain, or effective for the removal of clot or for the relief of paralysis following cerebral hemorrhage.

On October 4, 1915, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of \$50.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., November 26, 1915.