

4104. Misbranding of "Dr. Van Wert's Balsam for the Lungs." U. S. v. Samuel Felt (Van Wert Chemical Co.). Plea of guilty. Fine, \$10. (F. & D. No. 5914. I. S. No. 8059-e.)

On March 19, 1915, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Samuel Felt, trading under the firm name of Van Wert Chemical Co., Watertown, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about December 20, 1912, from the State of New York into the State of Massachusetts, of a quantity of "Dr. Van Wert's Balsam for the Lungs" which was misbranded. The product was labeled: (On carton) "Dr. Van Wert's Balsam for the Lungs The Great No. 2858. Guaranteed under the Food and Drugs Act, June 30, '06 Chloroform 4 min. to oz. Morphine $\frac{1}{2}$ gr. to oz. Cure Price 25 cts. Manufactured by the Van Wert Chemical Co. Watertown, N. Y. Registered in U. S. Patent Office in 1885 By Van Wert Chemical Co. For Asthma Bronchitis Croup & Whooping Cough The Success of This Medicine Has Induced Many Imitators to Copy the Word Balsam Be Sure You Ask For Dr. Van Wert's And Take No Other Keep in a Cool Place Shake Well Before Using. Van Wert Chemical Co. For Consumption Coughs & Colds." (On bottle) "Dr. Van Wert's Balsam for Consumption, Coughs, Colds, Hoarseness, Croup, Whooping Cough, Asthma, Bronchitis, and all diseases of the Throat and Lungs. Directions. Keep bottle tightly corked and shake well before using. Dose. Ten or twelve drops to be taken as often as the tickling in the throat, which precedes a cough, is felt. In this way the affected membranes are treated to the continuous influence of the Balsam. If preferred, one teaspoonful may be taken after each meal, and upon retiring at night. For a child of ten years and under, five drops should be given on the occasion of every paroxysm of coughing. For infants, 2 drops in teaspoonful of water every hour. Price, 25 cents. Prepared only by Van Wert Chemical Co., Watertown, N. Y. Registered in United States Patent Office" (Blown in bottle) "Dr. Van Wert's Balsam Van Wert Chemical Co. Watertown, N. Y."

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

Chloroform (minims per fluid ounce)-----	2.64
Morphine (grains per fluid ounce)-----	0.18
Alcohol (per cent by volume)-----	0.73
Ammonium chlorid (grains per fluid ounce)-----	5.2
Ash (per cent)-----	0.13
Glucose (per cent)-----	51.5

The only medicinal ingredients of this preparation are morphine, chloroform, and ammonium chlorid, together with a small amount of alcohol; the base of the preparation is a water solution of glucose.

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, "* * * Balsam for the Lungs The Great * * * Cure * * * For Asthma * * * & Whooping Cough * * * For Consumption * * *" "Balsam for Consumption * * * Whooping Cough, Asthma, * * * and all diseases of the Throat and Lungs," were false and fraudulent in this, 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 for the cure of asthma, whooping cough, consumption, and all diseases of the throat and lungs; 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 for the cure of asthma, whooping cough, consumption, or all diseases of the throat and lungs. Misbranding was alleged for the further reason that the article contains 0.18 grain of morphine, and 2.64 minims of chloroform per fluid ounce, and the package then and there failed to bear a statement on the label of the bottle of the quantity or proportion of morphine and chloroform contained therein.

On April 6, 1915, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *December 4, 1915.*