

4131. Misbranding of "Dr. Hiatt's Germicide." U. S. v. James A. Hiatt et al. (Hiatt Germicide Co.). Plea of guilty. Fine, \$100 and costs. (F. & D. No. 6111. I. S. No. 7967-e.)

At the May, 1915, term of the District Court of the United States for the District of Indiana, the grand jurors of the United States within and for the district aforesaid, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned an indictment against James A. Hiatt and William F. Hiatt, trading under the firm name of the Hiatt Germicide Co., Richmond, Ind., charging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about October 18, 1912, from the State of Indiana into the State of Ohio, of a quantity of "Dr. Hiatt's Germicide" which was misbranded. The product was labeled: (Carton) "Dr. Hiatt's Germicide This Preparation Contains: 6-25/100% Alcohol, 1/240% C. P. Phenol. For Croup, Diphtheria, Quinsy, Sore Throat, Catarrh, Coughs, Colds. Clears the Voice for Singing. Also good for Inflamed Mucous Membranes. Manufactured by The Hiatt Germicide Co. Richmond, Ind. None genuine without the signature of James A. Hiatt. Guaranteed by Hiatt Germicide Co. under Food and Drugs Act, June 30, 1906. Serial No. 18901." (Back) "Directions This medicine is used without diluting in one-half to one teaspoonful doses every hour or two hours for adults. Children 6 to 12 years old, one-half teaspoonful; in severe cases use oftener and smaller doses. To keep the throat healthy, give a dose morning and evening. For Catarrh, dilute one-half with water and use in atomizer. Always gargle in the throat, then swallow. If the bowels are constipated, give some good cathartic. (Statements in German) Notice Does Not Contain Any Opiates." (Sides) "For Chronic Throat Diseases All Forms of Catarrh Specific for Croup Cures Smoker's Sore Throat When Snuffed Up The Nose Relieves Hay Fever And Cold In The Head. Dilute One-Half With Water For Above." (Top flap) "25 Cents." (Bottle) "Dr. Hiatt's Germicide This preparation contains: 6-25/100% Alcohol, 1-240% C. P. Phenol. For Croup, Diphtheria, Quinsy, Sore Throat, Catarrh, Coughs, Colds. Clears the Voice for Singing. Also good for Inflamed Mucous Membranes. Manufactured by Hiatt Germicide Co. Richmond, Ind. Guaranteed under Food & Drugs act, June 30, 1906. Ser. No. 18901." (Back) "Directions. This medicine is used without diluting in one-half to one teaspoonful doses every hour or two hours, for adults. Children, 5 to 12 years old, one-half teaspoonful; in severe cases use oftener and smaller doses. To keep the throat healthy, give a dose morning and evening. For catarrh dilute one half with water, and use in atomizer. Always gargle in the throat then swallow. If the bowels are constipated give some good cathartic." (Blown in bottle) "Dr. Hiatt's Germicide." The circular or pamphlet accompanying the product contained, among other things, the following statement: "Dr. Hiatt's Germicide for the prevention and cure of diphtheria."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that the product was a sirup containing sodium benzoate, phenol, alcohol, a small amount of glycerin, probably balsam tolu, and flavored with oil of wintergreen; it contained 6.1 per cent of alcohol.

Misbranding of the article was charged in the indictment for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the labels aforesaid, to wit, (On carton) "Dr. Hiatt's Germicide * * * For Croup, Diphtheria * * * For Chronic Throat Diseases All forms of Catarrh Specific for Croup * * *," (On bottle) "Dr. Hiatt's Germicide * * * For Croup, Diphtheria * * *," "To keep the throat healthy, give a dose morning and evening," 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 the purchasers thereof the impression and belief, that it was in whole or in part composed of, or contained, ingredients or medicinal agents effective, among other things, as a remedy for croup, diphtheria, chronic throat diseases, all forms of catarrh, and effective as a specific for croup and effective for keeping the throat healthy, when, in truth and in fact, said article was not in whole or in part composed of, or did not contain, ingredients or medicinal agents effective as a remedy for croup, diphtheria, chronic throat diseases, or all forms of catarrh, or effective as a specific for croup or effective for keeping the throat healthy. Misbranding was charged for the further reason that the following statement regarding the therapeutic or curative effects of the article, appearing in the circular or pamphlet aforesaid, to wit, "Dr. Hiatt's Germicide for the prevention and cure of diphtheria," was false and fraudulent in that, by means of the said circular or pamphlet, it was applied to said article knowingly and in reckless or wanton disregard of its 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 prevention and cure of diphtheria, 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 prevention or cure of diphtheria.

On May 10, 1915, the defendants entered pleas of guilty to the indictments, and the court imposed a fine of \$100 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*