

4210. Misbranding of "N. H. Downs' Vegetable Balsamic Elixir." U. S. v. Henry, Johnson & Lord, a corporation. Plea of guilty. Fine, \$50.
(F. & D. No. 6474. I S. No. 12601-e.)

On July 29, 1915, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Henry, Johnson & Lord, a corporation, Burlington, Vt., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about March 11, 1913, from the State of Vermont into the State of New York, of a quantity of "N. H. Downs' Vegetable Balsamic Elixir" which was misbranded. The article was labeled: (On wrapper) "N. H. Downs' Vegetable Balsamic Elixir Opium 1 Gr. per fl. oz., Alcohol 2 1/2% The Great Remedy for Consumption and Other Diseases of the Chest and Lungs Guaranteed by Henry, Johnson & Lord under the Food and Drugs Act June 30, 1906. No. 854. N. H. Downs' Price 25 Cents." (On bottle) "N. H. Downs' Vegetable Balsamic Elixir Opium 1 gr. per fl. oz. Alcohol 2 1/2%. Directions Dose from five drops to two teaspoonfuls according to age and circumstances For Further directions see Circular around each bottle N. B. Shake well before using. Henry, Johnson & Lord Successors to Henry & Johnson, N. H. Downs, J. M. Henry & Sons, John F. Henry & Co. and Henry & Co. Proprietors Burlington, Vt. Guaranteed by Henry, Johnson & Lord under the Food and Drugs Act, June 30, 1906. No. 854." (Blown in bottle) "Rev. N. H. Downs Vegetable Balsamic Elixir."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product was a sweetened solution of opium, ipecac, glycerin, and small amounts of calcium, potassium, and iron compounds, flavored with anise; the odor indicated the presence of malt; it contained 1.8 per cent by volume of alcohol and 0.95 grain per fluid ounce of opium.

Misbranding of the article was alleged in the information for the reason that the following statement regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, (On wrapper) "The Great Remedy for Consumption," was false and fraudulent in that the same was applied to said article knowingly and in reckless and 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, among other things, as a remedy for consumption, 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, among other things, as a remedy for consumption.

On October, 5, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50.

C. F. MARVIN, *Acting Secretary of Agriculture.*