

4382. Misbranding of "Spohn's Distemper Cure." U. S. v. Samuel F. Spohn (The Spohn Medical Co.). Plea of guilty. Fine, \$50 and costs. (F. & D. No. 6073. I. S. No. 9607-e.)

On November 12, 1915, the grand jurors of the United States within and for the District of Indiana, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district returned an indictment against Samuel F. Spohn, trading as The Spohn Medical Co., Goshen, Ind., charging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on February 10, 1913, from the State of Indiana into the State of Maryland, of a quantity of "Spohn's Distemper Cure," which was misbranded. The article was labeled: (On bottle) "Spohn's Distemper Cure Trade Mark Compound for the treatment among horses of Distemper, Influenza, Pink Eye, Epizootic, Catarrhal Fever, Shipping or Acclimatization Fever, Colds and Coughs. Also Efficacious in Laryngitis, Pharyngitis, Catarrh, Gleet and Heaves. And a Valuable Germicide for all Domestic Animals in cases of Contagious Diseases. Prepared only by Spohn Medical Co. S. F. Spohn, Proprietor, Goshen, Indiana, U. S. A. For Distemper, Influenza, Epizootic, Pink Eye, Shipping Fever, Catarrhal Fever and Heaves, with a thin, wooden paddle, give one teaspoonful after feeding in the morning, and same amount before feeding at night, for 3 days in succession, placing it as far back on the horse's tongue as you can, this is for full grown horses, average size; small and young horses proportionate dose. Dose can be increased and continued if necessary. Safe at all times. Warm if too thick. Use full strength. Dose for person, for La Grippe, etc., 4 to 8 drops two or three times a day. Preventive:—Give 10 to 20 drops morning and night on horse's tongue for 4 or 5 days and a few drops in the trough. For coughs and colds 5 to 20 drops according to age; increase and continue dose if necessary. Give a few drops on tongue or in feed after coming in from cold, wet drives or exposure. For dog distemper 8 to 20 drops morning and night for 3 days; Sheep Distemper 5 to 15 drops twice a day for 5 days. Keep sick animals out of bad weather. For Chicken Cholera mix with ground food. Price 50 cents. \$5.00 a dozen. No. 2147 Guaranteed by Spohn Medical Co. under Pure Food and Drugs Act, June 30, 1906." (Blown in bottle) "Spohn's Distemper Cure Spohn Medical Company Goshen, Indiana, U. S. A." (On carton) "Spohn's Distemper Cure Trade Mark Compound For The Treatment Among Horses of Distemper, Influenza, Pink Eye, Epizootic, Catarrhal Fever, Shipping or Acclimating Fever, Colds and Coughs, Also Efficacious in Laryngitis, Pharyngitis, Catarrh, Gleet and Heaves. And a Valuable Germicide for all Domestic Animals in Cases of Contagious Diseases. Price 50 Cents \$5.00 a dozen No. 2147. Guaranteed by Spohn Medical Co., under Pure Food and Drugs Act, June 30, 1906. Prepared only by Spohn Medical Co., S. F. Spohn, Proprietor, Goshen, Indiana, U. S. A. For Influenza, Distemper, Epizootic, Pink Eye, Catarrhal Fever and Heaves—Give 1 teaspoonful before feeding in the morning, and the same amount after feeding at night, for three days in succession, placing it as far back on the horse's tongue as you can, using a small wooden paddle; small and young horses proportionate doses. The dose can be increased or diminished, and continued or dropped as the case may demand. Preventive.—Give 10 to 20 drops 3 times a day in ground feed or oats, 3 to 5 days; repeat if necessary. Worms.—Give 10 to 20 drops 3 times a day in ground feed or oats, 3 to 5 days; repeat if necessary. Further directions in booklet around bottle. Warm if too thick. Spohn's is safe to give at all times. Spohn's Distemper Cure Does not contain Alcohol,

Morphine, Opium, Cocaine, Heroin, Alpha, or Beta Eucaine, Chloroform, Cannabis Indica, Chloral Hydrate, Phenacetine or Acetanilide or any derivative of these drugs. Further Spohn's Distemper Cure does not contain any other Poisonous or Narcotic drug or ingredient, either in simple form or in the finished Compound. Spohn's Distemper Cure has been on the market sixteen years. As a Cure and as a Preventive of all forms of Distemper among Horses, Sheep and Dogs, this remedy has become so popular that the demand has increased from 1,053 Bottles sold the first year, to 750,000 Bottles sold the sixteenth year. This has been done on its real merits as the Compound has not been extensively advertised. Safe for Brood Mares, Stallions and all others. New Style Carton and Label Adopted January, 1907." (Information also appears in German). The booklet accompanying the article contained, among other things, the following: " * * * With all their modifying influences in the causes, progress and treatment of Contagion and a full and practical experience in handling infectious and Contagious Diseases, and with the assistance of the best stockmen, chemists, bacteriologists and veterinarians, we have, after many years of the most painstaking and careful study, tests and experimentation, developed by such labors a chemical compound whose marvelous efficacy as a cure and preventive of contagious Nose and Throat diseases has never been equaled, and it remains without a parallel—Spohn's Liquid Distemper Cure, or Compound," " * * * A chronic cough can be relieved in an hour with two half doses of Spohn's Distemper and Cough Cure, and continued treatment will permanently cure nearly all cases * * *," "Pneumonia, Pleurisy, Hydrothorax and Congestion of the Lungs are diseases that require the personal attendance of the best veterinary surgeon. Spohn's Distemper and Cough Cure is a preventive of these diseases in breaking up their causes, which are the same as other diseases of the air passages."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was essentially a mixture of turpentine, a sulfurated oil, a coal-tar oil (cresol fraction), and tar.

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 label aforesaid, to wit, (On bottle and carton) " * * * Efficacious in Laryngitis, Pharyngitis, Catarrh, Gleet and Heaves. And a Valuable Germicide for all Domestic Animals in cases of Contagious Diseases," (On carton) " * * * As a Cure and as a Preventive of all forms of Distemper among Horses, Sheep and Dogs, this remedy has become so popular that the demand has increased * * *," and included in the booklet aforesaid, to wit, " * * * we have, after many years of the most painstaking and careful study, tests and experimentation, developed by such labors a chemical compound whose marvelous efficacy as a cure and preventive of contagious Nose and Throat diseases has never been equaled; and it remains without a parallel—Spohn's Distemper Cure, or Compound," "Pneumonia, Pleurisy, Hydrothorax and Congestion of the Lungs * * *," "Spohn's Distemper and Cough Cure is a preventive of these diseases in breaking up their causes, which are the same as other diseases of the air passages," 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, among other things, in the treatment of heaves, as a valuable germicide for all domestic animals in cases of contagious

diseases, as a cure and preventive of all forms of distemper among horses, sheep, and dogs, as a cure and preventive of contagious nose and throat diseases, and as a preventive of pneumonia, pleurisy, hydrothorax, and congestion of the lungs, when, in truth and in fact, said article was not, in whole or in part, so composed, and did not contain such ingredients or medicinal agents.

On November 30, 1915, the defendant entered a plea of guilty to the indictment, and the court imposed a fine of \$50 and costs.

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