

4388. **Misbranding of "Russell's White Drops." U. S. \* \* \* v. The Russell Medicine Co., a corporation. Plea of guilty. Fine, \$20.**  
(F. & D. No. 6119. I. S. Nos. 8080-e, 1503-h.)

On June 30, 1915, the United States attorney for the District of Rhode Island, 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 Russell Medicine Co., a corporation, Providence, R. I., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on August 28, 1912, from the State of Rhode Island into the State of New York, and on February 21, 1913, from the State of Rhode Island into the State of Massachusetts, of quantities of an article called "Russell's White Drops," which was misbranded. The article in both shipments was labeled: (On carton) "Russell's White Drops. An Invaluable Remedy for the Relief and Cure of Wind Colic, Acidity of the Stomach, Diarrhœa, Dysentery, Restlessness, Etc., in Children Teething. Harmless and Effectual. It softens the gums, allays all pain, prevents convulsions, reduces inflammation, regulates the bowels, and produces quiet, natural sleep. Price, 25 cents. Sold by all Druggists. None genuine without fac-simile of my signature on label and wrapper. Wm. Russell, Jr. Registered in U. S. Patent Office." (On back of carton) "Russell's White Drops contains 10 per cent alcohol also  $\frac{1}{4}$  grain of codeine per oz. Warranted to be free from any injurious effects or drug forming habits, according to the authority of the most eminent medical experts of the United States and Europe. Guaranteed under the Food & Drugs Act of June 30, 1906, and filed with the Secretary of Agriculture at Washington, Serial Number 1730. Russell Medicine Co., Prov., R. I." (On sides of carton) "Caution: Manufactured by The Russell Medicine Co., Providence, R. I. See that the fac-simile of my signature is on the label and wrapper W. Russell, Jr. Russell's White Drops This Preparation is not a recent discovery. It has been used for years in thousands of cases with never failing success, and received the highest recommendations from Physicians, Nurses and Mothers." (On top) "Guaranteed by the Russell Medicine Co. under the Food and Drugs Act, June 30, 1906. Serial No. 1730." (On bottle) "Russell's White Drops For Babies A safe and effectual remedy for babies and children teething. This preparation will soften the gums allay all pain, reduce inflammation, correct acidity of the stomach, regulate the bowels, relieve wind and produce quiet natural sleep. Contains 10% alcohol, Codeine  $\frac{1}{4}$  gr. per fl. oz. Directions: 1 to 4 weeks old, 10 to 15 drops. 1 to 3 months old, 15 to 30 drops. 3 to 6 months old, 30 drops to 1 teaspoon. Always administer above dose in teaspoon of warm water. Doses to be repeated every  $\frac{1}{2}$  to 1 hour as required. In cases of Diarrhœa, Dysentery, etc. repeat the above doses every 2 or 3 hours until the passages assume a healthy appearance. None genuine without fac-simile of proprietor's signature on label and wrapper. Wm. Russell, Jr. Manufactured by Russell Medicine Co., Inc., 921-925 Eddy St., Providence, R. I. U. S. A. For sale by all druggists. Price, 25 Cents. Registered in U. S. Patent Office." The circular or pamphlet accompanying the article contained, among other things, the following: "The preparation which we have placed upon the market is not a new discovery, stumbled upon by accident by some mythical professor, but is an elegant pharmaceutical preparation which is compounded with great care by a skillful druggist, and contains nothing whatever that will injure the most delicate child," "It is a veritable panacea for infants. It will prevent convulsions," "It works like magic in all cases of Wind Colic, Cholera Infantum, Diarrhœa, Dysentery, Restlessness, Peevishness, and all other Diseases incident to children, especially during teething." "It regulates the Bowels, Corrects Acidity of the Stomach, Reduces Inflammation, and gives New

Life and Vigor to the Whole System without any danger of Drugging or any ill effects from its use, as thousands of happy mothers can testify."

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results:

*Sample from shipment to New York:*

Alcohol (per cent by volume)-----	16.75
Sucrose (grams per 100 cc)-----	45.76
Codeine (grain per fluid ounce)-----	0.72
Chloroform: Absent.	
Anise Oil: Present.	

*Sample from shipment to Massachusetts:*

Alcohol (per cent by volume)-----	13.42
Solids (grams per 100 cc)-----	48.21
Sucrose (grams per 100 cc)-----	47.6
Alkaloids (gram per 100 cc)-----	0.138
Codeine (grain per fluid ounce)-----	5/8
Anise oil: Present.	

Misbranding of the article contained in both shipments was alleged in the information for the reason that the following statements, appearing on the labels aforesaid, to wit, (On carton) "Russell's White Drops contains 10 per cent alcohol also 1/4 grain of codeine per oz." (On bottle) "Contains 10% alcohol, codeine 1/4 gr. per fl. oz.," were false and misleading in that they indicated to the purchasers thereof that said article contained 10 per cent of alcohol and one-fourth of a grain of codeine per fluid ounce, when, in truth and in fact, the said article contained a greater amount of alcohol and codeine, to wit, alcohol 16.75 per cent and 13.42 per cent, respectively, and codeine 0.72 grain per [fluid] ounce and five-eighths of a grain per [fluid] ounce, respectively, in the New York and Massachusetts shipments. Misbranding was alleged for the further reason that the following statements appearing on the labels aforesaid, to wit, (On carton) "\* \* \* Remedy for the Relief and Cure of Wind Colic \* \* \* in Children Teething. Harmless and Effectual. \* \* \* Warranted to be free from any injurious effects \* \* \*." (On bottle) "\* \* \* A safe and effectual remedy for babies and children teething," and in the circular or pamphlet aforesaid, to wit, "Contains nothing whatever that will injure the most delicate child. \* \* \* It is a veritable panacea for infants," were false and misleading in that, among other things, they indicated to purchasers that the article of drugs did not contain any poisonous or deleterious ingredient which might render the same harmful or injurious when administered to babies and teething children, or to the most delicate child, when, in truth and in fact, the said article contained, to wit, 0.72 and 5/8 grain respectively, in said shipments, of codeine per [fluid] ounce, a poisonous and deleterious ingredient which might render the said article of drugs harmful or injurious when administered to babies or teething children, or to a delicate child. Misbranding was alleged for the further reason that the following statements regarding the therapeutic or curative effects of the article, appearing on the label of the carton, to wit, "\* \* \* An Invaluable Remedy for the Relief and Cure of \* \* \* Diarrhoea, Dysentery," and included in the circular or pamphlet aforesaid, to wit, "\* \* \* It will prevent convulsions," "Works like magic in all cases of \* \* \* Cholera Infantum \* \* \* and all other Diseases incident to children, especially during teething," "It regulates the Bowels \* \* \* and gives New Life and Vigor to the Whole System," 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, as an invaluable remedy for the relief and cure of diarrhea and dysentery, for preventing convulsions, as a remedy for cholera infantum and all other diseases incident to children, especially during teething, and for regulating the bowels and giving new life and vigor to the whole system, 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 October 21, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$20.

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