

U. S. DEPARTMENT OF AGRICULTURE,

BUREAU OF CHEMISTRY.

C. L. ALSBERG, CHIEF OF BUREAU.

SERVICE AND REGULATORY ANNOUNCEMENTS.

SUPPLEMENT.

N. J. 4401-4450.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., September 26, 1916.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

4401. Misbranding of "H. W. Barker's Remedy for Catarrh, Coughs, Colds and Rheumatism." U. S. * * * v. Henry W. Barker (H. W. Barker Medical Co.). Plea of nolo contendere. Fine, \$100. (F. & D. No. 6182. I. S. No. 6925-e.)

On August 2, 1915, the United States attorney for the Western District of Wisconsin, 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 W. Barker, trading as the H. W. Barker Medical Co., Sparta, Wis., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about January 23, 1913, from the State of Wisconsin into the State of Minnesota, of a quantity of "H. W. Barker's Remedy for Catarrh, Coughs, Colds and Rheumatism," which was misbranded. The article was labeled: (On bottle) "H. W. Barker's Remedy For Catarrh, Coughs, Colds, Sore Throat, Rheumatism, La Grippe, Hay Fever, Croup, Whooping Cough, Hoarseness, Tonsillitis, and all Catarrhal Affections of the Throat, Lungs and Stomach. As a preventive of Catarrh, Consumption and diseases of the Throat and Lungs no one should be without this medicine. It strengthens and builds up a weak and run down system. Directions. $\frac{1}{4}$ to one teaspoonful every 1 or 2 hours, and swallow slowly. Children according to age. Shake The Bottle well before pouring out medicine. Price 50 Cents Guaranteed by H. W. Barker Medical Co. under the Food and Drugs Act, June 30, 1906. Serial No. 564 Manufactured Only by the H. W. Barker Medical Co. Sparta, Wis." (Blown in bottle) "Barker's Sparta, Wis." The circular or pamphlet accompanying the article contained, among other things, the following: "Remember Barker's Remedy is a reliable chemical combination for the treatment of Rheumatism, Cough, Colds, Catarrh, Sore Throat, Quinsy and La Grippe, Croup, Whooping Cough, Hoarseness, Asthma, Bronchitis, and all Catarrhal affections of the Throat, Lungs, Stomach, and Mucous membrane." "To those who have Tuber-

culosis or Consumption, this Remedy is one of the best, as it is antiseptic and strengthening."

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

Solids (per cent)-----	59.93
Ash (mostly potassium iodid) (per cent)-----	0.38
Sucrose (per cent)-----	52.40
Reducing sugars, before inversion (per cent)-----	0.10
Potassium iodid (per cent)-----	0.86

Alkaloids: Slight trace indicated.

Oleoresin of cubeb: Small amount present.

Methyl salicylate: Present as flavor only.

Creosote: Present in small quantity.

Color: Cochineal.

Product is essentially an aqueous solution of sugar containing oleoresin of cubebs, potassium iodid, and creosote, colored with cochineal.

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, (On carton) "H. W. Barker's Remedy for Catarrh * * * A Reliable medicine for the treatment of Catarrh, * * * La Grippe, Hay Fever, Croup, Whooping Cough, * * * Tonsilitis and all Catarrhal affections of the Throat, Lungs, and Stomach * * * H. W. Barker's Remedy For Catarrh, Coughs, Colds * * * Is a combination of some of the most valuable antiseptic, strengthening and healing properties known to medical science, which we now offer you as the best remedy for the treatment and prevention of * * * Catarrh, * * * La Grippe, Hay Fever, Croup, Whooping Cough, * * * Tonsilitis and all Catarrhal affections of the Throat, Lungs, Stomach and Mucous Membrane. For the treatment of * * * Catarrh, Consumption and diseases of the * * * Lungs this remedy should be in every home where it can be used immediately." (On bottle) "H. W. Barker's Remedy For Catarrh, * * * La Grippe, Hay Fever, Croup, Whooping Cough, * * * Tonsilitis, and all Catarrhal Affections of the Throat, Lungs and Stomach. As a preventive of Catarrh, Consumption and diseases of the * * * Lungs no one should be without this medicine," and included in the circular or pamphlet aforesaid, to wit, "Remember Barker's Remedy is a reliable chemical combination for the treatment of * * * Quinsy * * *," "To those who have Tuberculosis or Consumption, this Remedy is one of the best, as it is antiseptic and strengthening," were false and fraudulent in that the same were applied to the 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, for the prevention of, and as a remedy for, catarrh, la grippe, hay fever, croup, whooping cough, tonsilitis, and all catarrhal affections of the throat, lungs, stomach, and mucous membranes, for the treatment of and as a preventive of consumption and diseases of the lungs, as a remedy for quinsy, and as an antiseptic and strengthening remedy for tuberculosis or consumption, when, in truth and in fact, it was not, in whole or in part, composed of, and did not contain, such ingredients or medicinal agents.

On December 8, 1915, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$100.

CARL VROOMAN, *Acting Secretary of Agriculture.*