

4418. Misbranding of "Bunsen's Catarrh Cure." U. S. * * * v. C. W. Beggs, Sons & Co., a corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 6261. I. S. No. 2848-e.)

On July 27, 1915, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against C. W. Beggs, Sons & Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about March 1, 1913, from the State of Illinois into the State of California, of a quantity of "Bunsen's Catarrh Cure," which was misbranded. The article was labeled: (On tube) "Bunsen's Catarrh Cure for Catarrhal Deafness, Hay Fever and Cold in the Head. Price 50 cents. Prepared only by C. W. Beggs, Sons & Co., Chicago, U. S. A. Directions Remove screw cap insert nozzle far up in the nose, press the tube gently for small quantity of the remedy. Press outside of the nose to distribute the remedy in the nose." (On carton) "Bunsen's Catarrh Cure for Nasal Catarrh, Catarrhal Deafness, Hay Fever and Cold in Head. Price 50 cents. Manufactured by C. W. Beggs Sons & Co., Chicago, U. S. A." (Sides of carton) "Catarrh Bunsen's Catarrh Cure for Nasal Catarrh, Catarrhal Deafness, Hay Fever and Cold in Head. Hay Fever." (Top of carton) "Genuine Stamp Genuine bears this signature C. W. Beggs. Genuine Stamp." (Back of carton) "Bunsen's Catarrh Cure contains no cocaine, opium, morphine, mercury, or other narcotic. Guaranteed by C. W. Beggs, Sons & Co. under the Pure Food and Drugs Act of June 30, '06. Serial No. 3362." The circular or pamphlet accompanying the article contained, among other things, the following: "Consumption Starts With Catarrh. Stop the Catarrh Now. Use Bunsen's Catarrh Cure as though your life depended upon it. Be faithful to it and it will be faithful to you. Many thousands of people die from consumption every year in the United States. It has to start somewhere. It starts usually from a simple cold which turns into catarrh, bronchitis and asthma. Save yourself and your loved ones by getting rid of your catarrh, bronchitis, asthma, cold in the head, nose stoppage, catarrhal headaches, throat droppings, catarrh breath, catarrhal deafness and any other symptoms of nose or throat catarrh by using Bunsen's Catarrh Cure." "Cured 15 Year Case; Doctors Failed. Gentlemen—Having been afflicted with a chronic case of nasal catarrh of 15 years' standing, during that time trying everything that was recommended to me by physicians and others, concluded to experiment once more. I used Bunsen's Catarrh Cure according to directions, and go on record by saying I am completely cured and without the slightest hesitancy cheerfully recommend it to all suffering from catarrh. J. H. Magee, Harvey, Wash."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of camphor, menthol, and thymol in a petrolatum base. The presence of eucalyptus oil and of a small amount of phenol was indicated.

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 containing one dozen tubes) "Bunsen's Catarrh Cure for Catarrhal Deafness, Hay Fever * * *." (On small carton) "Bunsen's Catarrh Cure for Nasal Catarrh, Catarrhal Deafness, Hay Fever * * *." (On tube) "Bunsen's Catarrh Cure for Catarrhal Deafness, Hay Fever * * *," and included in the circular or pamphlet aforesaid, to wit, "Consumption Starts With Catarrh. Stop the Catarrh Now. Use Bunsen's Catarrh Cure as though your life depended upon it. Be faithful to it and it will be faithful to you. Many thousands of people die from consumption every year in the United States. It has to start somewhere. It starts usually

from a simple cold which turns into catarrh, bronchitis and asthma. Save yourself and your loved ones by getting rid of your * * * catarrhal deafness and any other symptoms of nose or throat catarrh by using Bunsen's Catarrh Cure," "Having been afflicted with a chronic case of nasal catarrh of 15 years' standing * * * I used Bunsen's Catarrh Cure according to directions, and go on record by saying I am completely cured * * *," 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, as a cure for catarrhal deafness, hay fever, nasal catarrh, and throat catarrh, and as a preventive of consumption, whereas, 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 6, 1915, the defendant company entered a plea of guilty to the information, and on December 10, 1915, the court imposed a fine of \$25 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*