

4455. Misbranding of "Dr. B. F. Sherman's Compound Prickly Ash Bitters." U. S. * * * v. The Prickly Ash Bitters Co., a corporation. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 6471. I. S. No. 7119-e.)

On August 10, 1915, the United States attorney for the Eastern District of Missouri, 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 Prickly Ash Bitters Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about December 24, 1912, from the State of Missouri into the State of Tennessee, of a quantity of "Dr. B. F. Sherman's Compound Prickly Ash Bitters," which was misbranded. The article was labeled: (On bottle) "Dr. B. F. Sherman's Compound Prickly Ash Bitters Trade Mark. Contains 22 Percent Alcohol to Extract and Preserve its Medical Properties For all diseases arising from a disordered condition of the Liver, Kidneys, Stomach and Bowels, Such as Bright's Disease, Jaundice, Indigestion, Constipation, Liver Complaint, Sick Headache, Urinary Disorders. It contains only the Purest Drugs, among which may be enumerated Prickly Ash, Mandrake, Buchu, Button Snake, Senna. It cleanses the system thoroughly and as a Purifier of the Blood it cannot be excelled. It is not an intoxicating beverage nor can it be used as such because of its strong medicinal properties. Prickly Ash Bitters Co. Sole Proprietors, St. Louis, Mo. 3." (Side of bottle) "Read the Directions Before Using. Prickly Ash Bitters is rapidly coming into general use in cases requiring a reliable Kidney Remedy. The marvelous curative power it has manifested in the fatal disorders that attack these organs, stamps it at once a remedy of incalculable value to the medical profession. By a process peculiarly its own it heals the Kidneys and drives out diseased conditions in the Liver, Stomach and Bowels, thus producing a healthy tone throughout the body. Directions. For Kidney Diseases the dose is a tablespoonful four times a day after meals and on going to bed. If the laxative effect is too active reduce the dose until the bowels move naturally. Be sure to consult the pamphlet for instructions as to treatment and diet. For Indigestion, Bloating, Nausea, Dyspepsia or Heartburn. A wineglassful one hour after breakfast and one-half wineglassful on retiring at night. For Torpid Liver, Biliousness, Jaundice, Hepatitis, One-half wineglassful three times a day after meals. For Constipation, Irregular Bowel Movements, Flatulence. A wineglassful after breakfast; repeat this dose at bedtime. In the chronic varieties of these ailments, take the dose three times a day. As A Blood Purifier. Take half a wineglassful every morning after breakfast, for two or three weeks." (Other side of bottle) "The Popularity of Prickly Ash Bitters Has been largely increased by the wonderful efficacy of its action in The Kidneys. It has been used in many obstinate cases of kidney trouble with the most gratifying results. It is particularly brilliant in the severe varieties, such as Bright's Disease, Diabetes, Bladder and Urinary Diseases. As a Liver, Stomach and Bowel regulator it is highly recommended. Directions. For Kidney Diseases the dose is a tablespoonful four times a day after meals and on going to bed. If the laxative effect is too active reduce the dose until the bowels move naturally. Be sure to consult the pamphlet for instructions as to treatment and diet. For Indigestion, Bloating, Nausea, Dyspepsia or Heartburn. A wineglassful one hour after breakfast and one-half wineglassful on retiring at night. For Torpid Liver, Biliousness, Jaundice, Hepatitis. One-half wineglassful three times a day after meals. For Constipation, Irregular Bowel Movements, Flatulence. A wineglassful after breakfast; repeat this dose at bedtime. In the chronic varieties of these ailments, take the dose three times a day. As A Blood Purifier. Take half a wineglass-

ful every morning after breakfast, for two or three weeks. Purify the Blood, Regulate the Bowels." (Blown in back of bottle) "Prickly Ash Bitters Co." (On carton) "Dr. B. F. Sherman's Compound Prickly Ash Bitters Trade Mark Contains 22 Per Cent Alcohol. To Extract and Preserve It's Medicinal Properties. For Diseases of the Kidneys, Liver, Stomach and Bowels. Such as Brights Disease, Dropsy, Diabetes, Biliousness, Torpid Liver, Jaundice, Constipation, Inflammation of Kidneys or Bladder, Disorders in the Urinary Organs, Gravel, Gall Stones, Leucorrhœa (Whites) and Irregular Periods. It contains only the purest ingredients among which may be enumerated Prickly Ash, Mandrake, Buchu, Juniper, Button Snake and Senna Cleanses the system thoroughly and as a remedy for Kidney Diseases It Is Unexcelled Price \$1.00 Per Bottle. Prickly Ash Bitters Co. Sole Proprietors St. Louis, Mo. 3." (On back of Carton) (Cut of bottle bearing following label) "'Dr. B. F. Sherman's Prickly Ash Bitters. Trade Mark. for the cure of all diseases arising from a disordered condition of the Liver, Kidneys, Stomach and Bowels, such as Dyspepsia, General Debility, Jaundice, Habitual Constipation, Liver Complaints, Sick Headache, Diseased Kidneys, &c. &c. It contains only the Purest Drugs, among which may be enumerated Prickly Ash Bark and Berries, Mandrake, Buchu, Senna &c. &c. It cleanses the system thoroughly, and as a Purifier Of The Blood It cannot be excelled. It is not an intoxicating beverage nor can it be used as such by reason of its Cathartic Properties Prickly Ash Bitters Co. Sole Proprietors. St. Louis, Mo. 3.'" (On side of cut) 'Read the directions before using.' (On other side) 'Purify the blood, regulates the bowels.' The above is a fac-simile of the bottle inside this package. Persons who have used Prickly Ash Bitters will recognize it at once as the old original medicine in a new wrapper. Prepared only by Prickly Ash Bitters Co. St. Louis, Mo. Sole Proprietors." (On one side of carton) "Dr. Sherman's Prickly Ash Bitters is a Reliable Remedy for Diseases of the Kidneys it is invaluable in the treatment of Bright's Disease, Dropsy, Diabetes, Gravel, Gall Stones, Inflammation of the Kidneys or Bladder, Incontinence of Urine, Retention or Suppression of Urine, Sediment in Urine, Scalding Urine, Difficulty in Passing Urine, Dropsical Swellings, Great Thirst, Pains in the Back, Pains in the Loins, and Headache. Notice. Don't mistake this medicine for an intoxicating drink. If it is taken in extraordinary doses it will nauseate the stomach and produce a severe relaxation of the bowels. Prickly Ash Bitters Co. St. Louis, Mo." (On other side of carton) "Dr. Sherman's Prickly Ash Bitters This remedy is well known to thousands upon thousands of persons who have used it constantly and for many years as a reliable liver regulator, stomach tonic and family cathartic. It contains no poisonous ingredients and is safe to use under any conditions. Keeps the bowels regular, stimulates the liver, tones up the stomach, and can be absolutely depended on in treating the dangerous diseases that attack The Kidneys Its use in these dreadful ailments covers a long period of years, during which it has proved its wonderful efficacy in many severe cases. Notice This preparation is not an intoxicating beverage nor could it be used as such because of its strong medicinal properties. Prickly Ash Bitters Co. St. Louis, Mo." (On stickers on ends of carton) "Guaranty No. 116. Guaranteed by Prickly Ash Bitters Co., Under the Food and Drugs Act, June 30, 1906. Seal. Guaranty No. 116 Seal. The contents of this package are not adulterated or misbranded within the Food and Drugs Act of June 30, 1906. Entered in the office of the Secretary of Agriculture of Washington, D. C. Serial No. 116. Prickly Ash Bitters Co., St. Louis, Mo. See that this seal is unbroken. Guaranty No. 116." The booklet accompanying the article contained, among other things, the following: "In years of constant study of the malignant diseases that attack the kidneys not a single medicinal

principle, of value in such diseases, could be found (not already used in it) that would add one iota to its great curative power. As it now stands it ranks first in the list of kidney medicines, both in the number and severity of the cases it has cured." "Under the head of gravel we have to deal with the very fine particles of gritty or alkaline substances which by the aid of some favorable constituent in the urine unite and become small gravels or renal calculus. These bodies of foreign matter are very hard, and differ in shape according to the cavity in the kidneys in which they were formed, and when they become large enough to interfere with the action of the kidney they produce a painful disease described on another page under the title, 'Inflammation of the Kidneys.' At one time or another this stone is dislodged from the recess in which it is held and starts on its passage through the ureters or canals leading to the bladder. If this happens before the stone has become large enough to crowd the passage the patient is not aware of its existence, but when it is too large for easy passage it causes the most excruciating, physical and mental anguish that human flesh is ever called on to bear. As the stone passes it scrapes through the mucous lining of the tube, touching the quick, and causing an intense tearing or raking pain that is almost unendurable. The moment the stone reaches the bladder the pain ceases and the victim enjoys a most gratifying sense of relief. How long the stone will take to pass through it is impossible to say; they sometimes pass in a few hours and sometimes take several days. It is desirable to expedite the passage of the stone to the bladder as much as possible, for which purpose a quick movement of the bowels is needed. A double dose of Prickly Ash Bitters will promote a thorough and prompt action, and serve the further purpose of quieting the inflamed conditions in the kidneys and urinary tracts. It is also an active solvent, and will disintegrate any other stones that may be in the kidneys, and so prevent a repetition of the painful disorder. Hot water soaked into woolen cloths and applied to the abdomen and back over the kidneys will prove of great service in relieving pain, and in cases of females, injections of hot water through the vagina are very helpful. The continued use of Prickly Ash Bitters in ordinary doses will strengthen the kidneys and clear them of all calculus deposits, relieve inflammation and restore the prostrated body rapidly to robust health." "Stone in Bladder. When the renal calculi has passed into the bladder the process of accretion which produced it will continue to go on unless something is done to dissolve it and so get it out of the body. If allowed to remain it will injure the mucous coating of the bladder, causing inflammation in that organ (see 'Inflammation of Bladder'), or it may become lodged in the neck of the bladder and require a painful operation to remove. Many times these stones get into the bladder without causing any disturbance whatever; in such cases the patient only becomes aware of its existence by sudden stoppages in the flow of urine while voiding it, although the bladder may not be emptied. This is caused by the stone being drawn to the neck of the bladder by the outgoing current and so stopping the flow, or allowing it to pass painfully in drops only mixed with blood; in a few minutes the stone falls back and the urine begins to flow again. An active solvent is in all cases necessary, as it is desirable to get rid of the stone before it can do any damage to the bladder or the urinary canals. The best solvent and general tonic for the system that science has yet devised is Prickly Ash Bitters; it disintegrates the stone as rapidly as possible, tones up the kidneys, quiets all inflammation, keeps the liver healthy, the stomach strong, and assists the removal of the biliary products by mildly and naturally moving the bowels." "In Malarial Districts. The use of Prickly Ash Bitters as a preventive of malaria is very valuable. Persons who are familiar with its ad-

mirable liver regulating and cleansing properties always keep a bottle in the house for general use as a laxative and system tonic. A little in advance of the malarial seasons in the spring and fall they take a short treatment of it, simply to insure a healthful and vigorous body. With such precautions they pass through the worst seasons unaffected, because the liver, stomach and bowels being strong and active, the malarial germs taken into the body are unable to find a condition favorable to their growth." "Diseases of the Prostate. The prostate gland is situated below the bladder at or near the neck and is closely associated with diseases of the urinary and genital organs. It is much subject to the influence of venereal diseases and also the disorders in the liver and kidneys which arise from nervous debility. With the prostatic diseases due to venereal troubles we have nothing to do, as it is not within the province of Prickly Ash Bitters to cure them. When the disease is caused by the liver and the nervous system, we find Prickly Ash Bitters is well adapted to remove it. The symptoms are: sharp pains in the groin coming on suddenly and a urine heavily mixed with blood. The pain is intense, may extend to the testicles and is always very prostrating. Prickly Ash Bitters brings to bear its restorative influence over the nervous system by strengthening the liver, cleansing the bowels, cooling the blood and stimulating the kidneys. When these organs are in proper tone the prostate gland is favorably influenced, diseased conditions rapidly subside leaving the patient strong and vigorous."

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

Specific gravity at 25° C.....	1.0014
Nonvolatile matter (grams per 100 cc).....	6.52
Ash (gram per 100 cc).....	0.42
Invert sugar (gram per 100 cc).....	1.00
Alcohol (per cent by volume).....	20.4
Alkaloids: Absent.	
Emodin: Present.	
Buchu: 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 bottle) "* * * For all diseases * * * of the * * * Kidneys * * * For * * * Hepatitis * * * A Blood Purifier * * * It has been used in many obstinate cases of kidney trouble with the most gratifying results * * *." (On carton) "* * * For Diseases of the Kidneys * * * Such as Brights Disease, Dropsy, Diabetes, * * * Inflammation of Kidneys or Bladder, * * * Gravel, Gall Stones, Leucorrhœa (Whites) and Irregular Periods. * * * a Reliable Remedy for * * * Incontinence of Urine, Retention or Suppression of Urine, * * * can be absolutely depended on in treating the dangerous diseases that attack The Kidneys * * *," and included in the booklet aforesaid, to wit, "In years of constant study of the malignant diseases that attack the kidneys not a single medicinal principle, of value in such diseases, could be found (not already used in it) that would add one iota to its great curative power. As it now stands it ranks first in the list of kidney medicines, both in the number and severity of the cases it has cured," "* * * Prickly Ash Bitters * * * is * * * an active solvent, and will disintegrate any * * * stones that may be in the kidneys * * *," "Stone in the Bladder. * * * The best solvent * * * that science has yet devised is Prickly Ash Bitters; it disintegrates the stone as

rapidly as possible * * *," " * * * Prickly Ash Bitters * * * a preventive of malaria * * *," "Diseases of the Prostate. * * * When the disease is caused by the liver and the nervous system, we find Prickly Ash Bitters is well adapted to remove it," 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 remedy for all diseases of the kidneys, for hepatitis, as a blood purifier, as a remedy for diseases of the kidneys, such as Bright's disease, dropsy, and diabetes, for inflammation of the kidneys and bladder, for gravel, gall stones, leucorrhoea (whites), and irregular periods, for incontinence of urine, and retention or suppression of urine, as a treatment for the dangerous diseases that attack the kidneys, as a remedy for the malignant diseases that attack the kidneys, for stone in the bladder, effective to dislodge or disintegrate stone in the kidneys and bladder, effective as a preventive of malaria, and effective, when the disease is caused by the liver and the nervous system, to remove diseases of the prostate, when, in truth and in fact, it was not, in whole or in part, so composed, and did not contain such ingredients or medicinal agents.

On October 5, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

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