

**4473. Misbranding of "Thorn's Compound Extract of Copaiba and Sarsaparilla" and "Tarrant's Compound Extract of Cubebs and Copaiba." U. S. v. The Tarrant Co., a corporation. Plea of guilty. Fine, \$25. (F. & D. No. 6547. I. S. Nos. 7996-e, 9007-e.)**

On November 3, 1915, the United States attorney for the Southern District of New York, 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 Tarrant Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on April 8, 1913, from the State of New York into the State of Ohio, of quantities of "Thorn's Compound Extract of Copaiba and Sarsaparilla" and "Tarrant's Compound Extract of Cubebs and Copaiba," which were misbranded.

The first-named article was labeled: (On red label on jar and wrapper) "A Safe old time remedy for gonorrhœa Compound Extract of Copaiba & Sarsaparilla formula of the late J. B. Thorn Chemist London The Tarrant Co. New York U. S. A. Gleets. Sole owners & Makers since June 23rd 1902. Whites &c. No. 1244 Guaranteed under the Food and Drugs Act June 30, 1906." (On label around jar) "Rights acquired formula of the late J. B. Thorn, Chemist, London. Genuine Thorn's Extract manufactured by The Tarrant Co. Sole Owners, New York, U. S. A. June 23rd 1902." (On bottom of jar) "Formula of the late J. B. Thorn Chemist London. The Tarrant Co. sole owners New York, U. S. A." (On yellow label on wrapper) "All Genuine Thorn's Extract must bear the Signature of Tarrant & Co to counterfeit which is felony. Successors to John A. Tarrant, Sole Agent. The Tarrant Co. N. Y., U. S. A. Successors; sole owners, makers and shippers since June 23rd, 1902. Adopted April 2d, 1883." The circular or pamphlet accompanying this article contained, among other things, the following: "Thorn's Compound Extract of Copaiba and Sarsaparilla. A certain, safe, and one of the most effectual remedies ever discovered for Gonorrhœa, Gleets, Pyelitis, Whites, Pains in the Back and Loins, Incipient Stricture, Affections of the Kidneys, Irritation of the Urethra, Irritation of the Bladder, Irritation of the Prostate Gland, Gravel, Inflammation of Vagina."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of a mixture of copaiba and sarsaparilla extract.

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 circular or pamphlet aforesaid, to wit, "Thorn's Compound Extract of Copaiba and Sarsaparilla. A certain, safe, and one of the most effectual remedies \* \* \* for Gonorrhœa, Gleets, Pyelitis, Whites, \* \* \*, Incipient Stricture, Affections of the Kidneys, \* \* \* Gravel \* \* \*," were false and fraudulent in that they 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 certain remedy for gonorrhœa and gleet, as a remedy for pyelitis, whites, and incipient stricture, for affections of the kidneys, and for gravel, 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.

The Tarrant's Compound Extract was labeled: (On jar) "A quick relief for Gonorrhœa Gleets Whites &c. Excelsior Compound Extract of Cubebs & Copaiba. Prepared only by The Tarrant Co. Chemists New York. No. 1244. Guaranteed under the Food and Drugs Act, June 30, 1906. Genuine. To pre-

vent counterfeits. The Tarrant Company Chemists New York orders punctually attended to Reg'd Oct. 11, 1875." (On wrapper) "A quick relief for Gonorrhœa Gleet Whites &c. Excelsior Compound Extract of Cubebs & Copaiba Prepared only by The Tarrant Co. Chemists New York. No. 1244 Guaranteed under the Food and Drugs Act, June 30, 1906. None genuine without our Signature, to counterfeit which is Felony The Tarrant Co. Manufacturers & Proprietors, Tarrant's Compound Extract Cubebs & Copaiba Adopted April 2d, 1883." The circular or pamphlet accompanying the article contained, among other things, the following: "Tarrant's Compound Extract of Cubebs and Copaiba. A safe, certain, speedy and convenient remedy for Gonorrhœa, Gleet, Whites, Incipient Strictures, Inflammation of the Vagina, Irritation of the Urethra, Pyelitis, Irritation of the Bladder, Irritation of the Kidneys."

Analysis of a sample of this article by said Bureau of Chemistry showed that it consisted essentially of a mixture of copaiba and cubeb extract.

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, included in the circular or pamphlet aforesaid, to wit, "Tarrant's Compound Extract of Cubebs and Copaiba. A \* \* \* certain, \* \* \* remedy for Gonorrhœa, Gleet, Whites, Incipient Stricture, \* \* \* Pyelitis \* \* \*," were false and fraudulent in that they 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 certain remedy for gonorrhœa and gleet, as a remedy for whites, incipient strictures, and pyelitis, 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 3, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$25.

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