

4506. Misbranding of "Muller's Famous Prescription." U. S. * * * v. William H. Muller. Plea of guilty. Fine, \$75. (F. & D. No. 6646. I. S. No. 8845-e.)

On November 26, 1915, the United States attorney for the Eastern 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 William H. Muller, Brooklyn, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about January 17, 1913, from the State of New York into the State of Vermont, of a quantity of "Muller's Famous Prescription," which was misbranded. The article was labeled: (On carton) "Famous Prescription 100,384. (Trade Mark) The Best Only Muller New York. A Marvelous Success in the Cure of Rheumatism and Gout Acute and Chronic. Directions: Teaspoonful three or four times a day, an hour after meals and at bedtime. Shake Well." (Statement in German) "Prepared only by Wm. H. Muller, Brooklyn, New York. Price 75 Cents." (On back of carton) "The Veteran of the Civil War was among those who first learned the virtues of this famous prescription, then known simply as 100,384. Its constantly growing popularity is almost entirely the result of individual recommendation by those whom it has released from the tyranny of pain. It is a medicine with a specific action entirely its own. A most effective remedy for Rheumatism and Gout, and their Blood Relations. A Safe and Satisfactory Treatment. Read Booklet Enclosed. Medical men will find Famous Prescription 100,384 a Desideratum. Being entirely free from opiates and other narcotics, it produces no unpleasant after-effects, giving the highest satisfaction to both practitioner and patient. None genuine without my signature. Guaranteed by Wm. H. Muller under the Food and Drugs Act, June 30, 1906, No. 1797. Wm. H. Muller." (On sides of carton) "Muller's Famous Prescription 100,384." (Top Flap) "Originally Prescribed and Compounded in 1861." (On bottle) "Muller's Famous Prescription 100,384 Trade Mark. A Marvelous Success in the Cure of Rheumatism and Gout. Directions: Shake Well. Take a teaspoonful three or four times daily, an hour after meals, and at bedtime (in a little water if preferred). Prepared only by Wm. H. Muller, Manuf'g Chemist, 352 Atlantic Ave., Brooklyn, N. Y. Formerly University Place, N. Y. City. Muller's Famous Prescription. This prescription, recorded in February, 1861, was prescribed by the most able physician of his time. It is a medicine with a specific action entirely its own. A most effective remedy for rheumatism and Gout, and their Blood Relations. A Safe and Satisfactory Treatment. A bottle or so more than really necessary is recommended for chronic cases. Muller's Famous Prescription. Guaranteed by Wm. H. Muller, under the Food and Drugs Act, June 30, 1906. Serial No. 1797. None Genuine without my signature. Wm. H. Muller." (Blown in bottle) "Muller's Famous Prescription." The booklet accompanying the article contained, among other things, the following: "The Story of Muller's Famous Prescription The Master Cure for Rheumatism Founded 1861. Muller's Famous Prescription is indeed a remedy far above the ordinary. It's genuine services to the many in nearly every state of these United States, and elsewhere, has demonstrated that all forms of Rheumatism can be cured promptly and thoroly, and without harm to the stomach. A trial is particularly urged in cases where every other treatment has failed. It matters not what the length of standing. Muller's 'Famous Prescription 100,384' a specialist's formula, successfully prescribed by specialists to-day—for all forms of Rheumatism, Articular, Gouty, Sciatic, Inflammatory, Muscular, etc., acute and chronic. Principally advertised by those whom it has cured. Likewise Muller's Famous Prescription contains no irritating potash of any kind, nor salicylic acid or salicylates of any sort. It

is entirely free from any of the many injurious remedies. Patients taking this medicine have no ill effects on the stomach or system. Takes a little time, but it cures. From 3 to 6 bottles is the average for chronic cases. A few more for so-called incurables, and only one or two, for the mild forms of Rheumatism."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product was an aqueous solution containing, as essential ingredients, potassium iodid (5.6 grams per 100 cc) and colchicine (0.007 grain per fluid ounce); flavored with cinnamon.

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 and bottle) "Marvelous Success in the Cure of Rheumatism," and included in the booklet aforesaid, to wit, "* * * Muller's Famous Prescription The Master Cure For Rheumatism * * * It's genuine services to the many in nearly every state of these United States, and elsewhere, has demonstrated that all forms of Rheumatism can be cured promptly and thoroly * * *," "* * * for all forms of Rheumatism, * * * Inflammatory, * * * acute and chronic," "Takes a little time, but it cures," 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 rheumatism, as a cure for all forms of rheumatism, as a cure for inflammatory rheumatism, and as a cure for acute and chronic rheumatism, 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. Misbranding was alleged for the further reason that the following statement descriptive of the article of drugs, to wit, "Muller's Famous Prescription contains no irritating potash of any kind," was false and misleading in that it represented that the article contained no irritating potash of any kind, whereas, in truth and in fact, it did contain an irritating potash, to wit, potassium iodid.

On November 30, 1915, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$75.

CARL VROOMAN, *Acting Secretary of Agriculture.*