

**4540. Misbranding of "Dr. Whitehall's Megrimine." U. S. \* \* \* v. The Dr. Whitehall Megrimine Co., a corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 6751. I. S. Nos. 7137-e, 7138-e.)**

On November 12, 1915, the grand jurors of the United States within and for the District of Indiana, acting upon a report of the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned an indictment against the Dr. Whitehall Megrimine Co., a corporation, South Bend, Ind., charging shipment by said company, in violation of the Food and Drugs Act, as amended, on November 18, 1912, from the State of Indiana into the State of New York, of 2 batches of "Dr. Whitehall's Megrimine," which in each instance was misbranded. One of the batches of the article was labeled: (On box) "Dr. Whitehall's Megrimine Trade Mark 228 Grs. Acetanilid in an oz. (in the white capsules only) For all Forms of Headache and Neuralgia. The Dr. Whitehall Megrimine Co. South Bend, Ind., U. S. A. Directions: Take one capsule; lie or sit down, close the eyes and keep quiet. If not relieved in 30 minutes repeat the dose. Four or five doses may be taken if necessary. For nervous tired feeling, disturbed rest, pain on wakening, or to ward off headaches, and where a nerve stimulant and tonic is needed, take one capsule night and morning for a week or two. Price 50 Cents This box contains the white capsules only. 'Megrimine Regular,' contain White and Pink capsules, which we recommend in severe cases. Specially Compounded by S. Whitehall, M. D. Guaranteed By The Dr. Whitehall Megrimine Co. under the Food & Drugs Act, June 30, 1906. Serial No. 5141." The circular or pamphlet accompanying this article contained, among other things, the following: "Megrimine contains some of the best known medicines from the vegetable kingdom, each having a specific action of its own upon certain elements of disease, and when combined with the others, makes a powerful blood cleanser and stimulant, relieving nervous exhaustion and irritability."

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

Acetanilid (grains per avoirdupois ounce)-----	211.88
Caffeine: Present.	
Salol: Present.	
Average weight of contents of 1 capsule (grains)-----	5.66

Misbranding of the article was charged in the indictment for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label of the boxes aforesaid, to wit: "Dr. Whitehall's Megrimine \* \* \* for all forms of Headache and Neuralgia \* \* \* where a nerve stimulant and tonic is needed take one capsule night and morning for a week or two \* \* \*," and appearing in the circular or pamphlet aforesaid, to wit: "Megrimine contains some of the best known medicines from the vegetable kingdom, each having a specific action of its own upon certain elements of disease, and when combined with the others, makes a powerful blood cleanser and stimulant, relieving nervous exhaustion and irritability," 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, for the relief of all forms of headache and neuralgia, as a stimulant and tonic for the nerves, and for relieving nervous exhaustion, when, in truth and in fact, it was not so composed, and did not contain such ingredients or medicinal agents.

The other batch of the article was labeled: (On box) "Dr. Whitehall's Megrimine Trade Mark 228 Grs. Acetanilid in an oz. (in the white capsules only) For All Forms of Headache and Neuralgia. The Dr. Whitehall Megrimine Co. South Bend, Ind., U. S. A. Directions: Dose two capsules: Take one capsule of each kind; lie or sit down, close the eyes and keep quiet. If not relieved in 30 minutes repeat the dose. In extreme cases three doses may be taken. Contains no morphine. Dose for a child of 12 years, half of each capsule. The white capsules may be had separately in white boxes and will in most cases be sufficient alone. Price 50 Cents. The more promptly headaches are relieved the less frequent will be their return. Specially Compounded by S. Whitehall, M. D. Guaranteed by the Dr. Whitehall Megrimine Co. under the Food and Drugs Act, June 30, 1906. Serial No. 5141." The circular or pamphlet accompanying this article contained, among other things, the following: "Megrimine contains some of the best known medicines from the vegetable kingdom, each having a specific action of its own upon certain elements of disease, and when combined with the others, makes a powerful blood cleanser and stimulant, relieving nervous exhaustion and irritability."

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

*White capsules.*

Acetanilid (grains per avoirdupois ounce)-----	210.3
Average weight of contents of 1 capsule (grains)-----	6.24
Caffeine: Present.	
Salol: Present.	

*Pink capsules.*

Antipyrin (per cent)-----	98.03
Capsicum: Present.	
Acetanilid: Absent.	

Misbranding of the article was charged in the indictment for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label of the boxes aforesaid, to wit: "Dr. Whitehall's Megrimine \* \* \* for all forms of headache, neuralgia \* \* \*," and appearing in the circular or pamphlet aforesaid, to wit: "Megrimine contains some of the best known medicines of the vegetable kingdom, each for a specific action of its own, upon certain elements of disease, and when combined with the others, makes a powerful body cleanser and stimulant, relieving nervous exhaustion and irritability," 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 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 relief of all forms of headache and neuralgia, as a stimulant, and for relieving nervous exhaustion, when, in truth and in fact, it was not so composed, and did not contain such ingredients or medicinal agents.

On November 29, 1915, the defendant company entered a plea of guilty to the indictment, and the court imposed a fine of \$50 and costs.

CARL VROOMAN, *Acting Secretary of Agriculture.*