

**4565. Misbranding of "Fulton's Renal Compound." U. S. \* \* \* v. \* \* \* 9 and 8 cases \* \* \* of \* \* \* "Fulton's Renal Compound." Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 6836, 6837, 6838. I. S. Nos. 11201-1, 11206-1. S. Nos. C-300, C-302.)**

On August 26, 1915, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 9 and 8 cases, respectively, each containing 12 bottles of "Fulton's Renal Compound," remaining unsold in the original unbroken packages at Cleveland, Ohio, alleging that the article had been shipped, on or about June 15 and July 2, 1915, respectively, and transported from the State of Michigan into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act, as amended. The bottles containing the article were labeled: "Fulton's Renal Compound for Bright's and Kidney Disease. This compound contains five per cent of alcohol. Compounded Solely by John J. Fulton Company, San Francisco, Calif., and Detroit, Michigan. Price \$1.00. Guaranteed by John J. Fulton Company under the Food and Drugs Act, June 30, 1906. No. 2339. U. S. A. Note new labels to conform to Food and Drugs Act. Signature must cover cork. Fulton's Renal Compound for Bright's and Kidney Disease. Directions—Shake the bottle. Take 1 to 1½ tablespoonfuls four times a day after meals. Half doses if stomach is weak. This compound is free from narcotics and sedatives." On the bottle labels, circulars, and wrappers accompanying the bottles the following printing and labeling appeared: "Fulton's Renal Compound for Bright's and Kidney Disease." In the circulars accompanying the bottles the following additional printing and labeling appeared, to wit, "After the symptoms are yielding to the Renal Compound \* \* \* Directions: Mild cases—Take one tablespoonful four times a day. More advanced cases—Take one to one and a quarter tablespoonfuls four times a day. In advanced or extreme cases—Take one to one and a half tablespoonfuls four times a day. For children five years and over, a teaspoonful to a dessert-spoonful according to age, three to four times a day. Bright's Disease. What we claim is that three months of the treatment usually shows such improvement \* \* \* Kidney Disease. Fulton's Renal Compound approaches kidney disease from a new direction. Instead of exciting the kidneys the motive of the Renal Compound is to oppose granulation and degeneration in renal tissues \* \* \* physician gives Fulton's Renal Compound to counteract renal degeneration \* \* \* where dropsy \* \* \* does not respond quickly enough to the compound it can be aided \* \* \* until the compound acts and the kidneys begin to function. Fulton's Renal Compound is particularly for Bright's and Kidney Disease."

Misbranding of the article was alleged in the libels for the reason that the statements and labels on the cases, wrappers, circulars, and packages were false, misleading, and fraudulent in that no ingredient or ingredients in the product or compound were capable of producing the therapeutic effects claimed for it on said labels or branding or in said circulars accompanying the packages.

On November 19, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal, and that the costs of the proceedings should be assessed against the John J. Fulton Co., of Detroit, Mich.

CARL VROOMAN, *Acting Secretary of Agriculture.*